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AN  
HISTORICAL SKETCH  
OF  
S L A V E R Y,  
FROM  
THE EARLIEST PERIODS.

BY

THOMAS R. R. COBB,  
OF GEORGIA.

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## ADVERTISEMENT.

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THE following Sketch was prepared as an Introduction to a Treatise on "The Law of Slavery;" and was published as such. At the suggestion of friends, a few copies have been bound separately, for such readers as would not desire the legal work. Two chapters from the Treatise on "The Law of Slavery" have been added as an Appendix, being considered as germane to the subject of the "Sketch." This note will explain many things, which to the reader would otherwise appear to be singular.

August, 1858.





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AN  
HISTORICAL SKETCH OF SLAVERY,  
FROM THE  
EARLIEST PERIODS TO THE PRESENT DAY.





AN

# HISTORICAL SKETCH OF SLAVERY.

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## INTRODUCTION.

PHILOSOPHY is the handmaid, and frequently the most successful expounder of the law. History is the groundwork and only sure basis of philosophy. To understand aright, therefore, the Law of Slavery, we must not be ignorant of its history.

A detailed and minute inquiry into the history of slavery would force us to trace the history of every nation of the earth; for the most enlightened have, at some period within their existence, adopted it as a system; and no organized government has been so barbarous as not to introduce it amongst its customs. It has been more universal than marriage, and more permanent than liberty.<sup>1</sup> All that we can propose for ourselves here, is a limited and brief glance at its existence and condition during the several ages of the world.

Its beginning dates back at least to the deluge. One of the inmates of the ark became a "servant of servants;" and in the opinion of many the curse of Ham

<sup>1</sup> See Bancroft's United States, vol. i, ch. v. "Liberty and Tyranny have kept pace with each other. The helots at Sparta, the slaves at Rome, the villains of the feudal system, bear testimony to this melancholy truth." Brown's Civil Law, i, 97.

is now being executed upon his descendants, in the enslavement of the negro race. From the familiarity with which Noah spoke of the servile condition of his youngest son, it seems probable that the condition of servitude must have existed prior to the flood.

In every organized community there must be a laboring class, to execute the plans devised by wiser heads : to till the ground, and to perform the menial offices necessarily connected with social life. This class have generally been slaves, and, in the opinion of Puffendorf, their bondage naturally arose, in the infancy of society, from their occupation. The poorer and less intelligent applied to the more opulent and intelligent for employment. The return was food and raiment, at a time when there was no currency. With the removal of the employer—mankind at that age having no permanent abode—the employee moved also, and with him his family. His children, as they grew to youth and manhood, naturally aided the parent in his labors, and received the same reward ; and thus, either by express contract or custom, the one, with his descendants, became attached to and a part of the household of the other. Certain it is, that Abraham had his man-servants and maid-servants, born in his house and bought with his money ; and that Sarah, his wife, was a hard mistress to Hagar, her handmaid, who became a fugitive from her hand, and returned only by the direction of the angel of the Lord. The slave-trade too, was of early origin, as we find Joseph sold to Midianitish merchants, and resold by them in Egypt. The transfer of slaves from parent to child, was of still earlier origin, as we find Rebecca, on her marriage to Isaac, carrying her damsels home with her ; a custom followed by Laban, on the marriage of Leah and Rachel to Jacob. The slavery in these patriarchal days, was undoubtedly mild ; and the relations between the master and slave, of the

most familiar character. Job protested before God, that he despised not the complaint of his man-servant or his maid-servant, when they contended against him; and gave, as his reason, that both master and slave were fashioned by the same hand.<sup>1</sup> The servant frequently had control of all his master's goods;<sup>2</sup> and in default of children, became his nominated heir.<sup>3</sup>

<sup>1</sup> Job 31 : 13, 15.

<sup>2</sup> Gen. 24 : 10.

<sup>3</sup> Gen. 15 : 3 ; Prov. 17 : 2. Our Saviour alludes to this in the parable of the wicked servants who slew the son—the only heir—that the inheritance might be theirs.

## CHAPTER I.

### SLAVERY AMONG THE JEWS.

THERE were, among the Jews, two distinct classes of slaves, distinguished by great difference of treatment and *status*, as well as by the duration of their bondage. The one class consisted of their Hebrew brethren; the other of strangers and heathen. The bondage of the first expired on the seventh year; unless the servant "shall plainly say, 'I love my master, my wife, and my children. I will not go out free.' Then his master shall bring him unto the judges; he shall also bring him unto the door or doorpost; and his master shall bore his ear through with an awl, and he shall serve him forever."<sup>1</sup> Thus the Hebrew servant became one of the other class, whose bondage was perpetual.<sup>2</sup> On the seventh year, the Hebrew servant, when he went free, took with him his wife, if she came with him. But if his master had given him a wife, she and her children

<sup>1</sup> Exodus 21 : 5, 6 ; Deut. 15 : 16.

<sup>2</sup> I am aware that abolitionists, including learned prelates in the British House of Lords, have explained the word "forever" to mean only until the year of Jubilee. I am not a sufficient Hebrew scholar to enter into this controversy or to pretend to decide the question. I would remark that the same argument is resorted to, by those contending for universal salvation, to meet and refute the orthodox doctrine of eternal punishment. The curious on this point are referred to Fletcher's *Studies on Slavery*; Priest's *Bible Defence of Slavery*, 136; Gill's *Commentary*; Lev. 25 : 44; Michaelis's *Comm. on Mosaic Law*, vol. ii, art. 127. This learned author supposes that even the Hebrew servant in some cases served till the year of Jubilee.

belonged to the master, and remained with him, while the man-servant went out by himself.<sup>1</sup> He was not sent forth penniless, but was furnished "liberally out of the flock, and out of the floor, and out of the wine-press."<sup>2</sup> This limitation upon the servitude of Hebrews did not, at least under the first law, apply to Hebrew women that had been purchased as concubines for the master or his son. If she ceased to please him, "then shall he let her be redeemed." If not, food, raiment, and marriage duty were not to be diminished; on failure of either, she was enfranchised.<sup>3</sup>

The Hebrew servants consisted of those that, from poverty, either sold themselves or their children, or were sold for debt or crime.<sup>4</sup> If the Hebrew sold himself to a stranger, he was subject to be redeemed, either at his own instance or that of his near relatives, by paying the wages of a hired servant up to the year of Jubilee.<sup>5</sup> If his master was a Hebrew, the right of redemption does not seem to have applied.

A marked difference was made in the law as to the *status* of a Hebrew servant and one bought from the heathen. He was not to serve as a bond-servant, but as a hired servant and a sojourner.<sup>6</sup> He was not to be treated with rigor, but as a brother "waxen poor."<sup>7</sup> He lost, in his bondage, only his liberty, none of his civil rights. He was still a citizen, and might acquire property of his own.<sup>8</sup> Tiba, one of Saul's servants, possessed twenty slaves of his own.<sup>9</sup> In case of war, the

<sup>1</sup> Exodus 21 : 3, 4.<sup>2</sup> Deut. 15 : 14.<sup>3</sup> Exod. 21 : 7-11.<sup>4</sup> Lev. 25 : 39; 2 Kings 3 : 16-28, 4 : 1; Ex. 22 : 2; 2 Chron. 12 : 8; Neh. 5 : 4, 5; Is. 50 : 1; Matt. 18 : 25; Michaelis's Comm. vol. ii, 160, et seq.<sup>5</sup> Lev. 25 : 42, 47-51; 1 Kings 9 : 22; Neh. 5 : 5.<sup>6</sup> Lev. 25 : 39, 40.<sup>7</sup> Lev. 25 : 39, 43.<sup>8</sup> Lev. 10 : 49; Priest's Bible Defence of Slavery, 139.<sup>9</sup> 2 Sam. 9 : 10.

slaves "born in the house" were frequently armed and went forth to battle with their master.<sup>1</sup>

The condition of the other class, the bond-servants, bought from the stranger and the heathen, or the captives taken in war, was very different.<sup>2</sup> They were pure slaves, considered as "a possession," and "an inheritance for their children after them," to inherit them for a possession. They were "bondmen forever."<sup>3</sup> These were very numerous, and rigorous treatment of them was tacitly allowed. That many of them were Africans and of negro extraction, seems to admit of but little doubt. Josephus says, "King Solomon had many ships that lay upon the Sea of Tarsus. These he commanded to carry out all sorts of merchandise, to the remotest nations, by the sale of which silver and gold were brought to the king, and a great quantity of ivory, apes, and Ethiopians."<sup>4</sup> These were doubtless sometimes taken captives in the wars of Israel,<sup>5</sup> and frequently obtained in exchange of goods, as there was undoubtedly a slave-trade at that time, in which the Jews sometimes engaged.<sup>6</sup> This practice and trade are negatively proved by the prohibition to sell the Hebrew women that were

<sup>1</sup> Lev. 25 : 49.

<sup>2</sup> Gen. 17 : 13 ; Exodus 12 : 44-45 ; Deuter. 20 : 14, 21 : 10, 11 ; 1 Kings 9 : 20-22 ; Michaelis's Comm. vol. ii, art. 123.

<sup>3</sup> Lev. 25 : 44, 45, 46.

<sup>4</sup> Antiquities of the Jews, Book VIII, ch. 7, p. 293. In another edition translated "negroes." See 2 Chron. 9 : 21 ; 1 Kings 10 : 21. I am aware of the strictures of Gliddon and others upon the common acceptance of the term "Ethiopians." I am inclined to believe that the term was applied to all *black* races, the Hindoo as well as the negro. See remarks of Abbé Grégoire on this subject, in his work *De la Littérature des Nègres*, ch. i.

<sup>5</sup> See 2 Chron. 14 : 9 ; 1 Kings 9 : 20, 22 ; Isaiah 20 : 3, 4 ; 1 Chron. 9 : 2 ; Josephus, Antiquities of the Jews, Book III, ch. ii, p. 85. The Abbé Grégoire cites and approves a statement of J. Ch. Jahn, in his *Archæologia Biblica*, that the Hebrews had negro eunuchs. *Littérature des Nègres*, p. 7.

<sup>6</sup> Joel 3 : 8 ; Ezek. 27 : 13.



slaves, "unto a strange nation."<sup>1</sup> Among the Egyptians, with whom the Jews carried on a brisk commerce, we shall see there were numbers of negro slaves. Their existence among the latter nation, therefore, is a matter of no great surprise.<sup>2</sup>

The negro among the Jews, as everywhere he is found, was of a proscribed race. He was even forbidden to approach the altar to offer the bread of his God.<sup>3</sup>

The treatment of this class of slaves, among the Hebrews, was extremely rigorous. Corporal chastisement was customary, and sometimes resulted in death. In such event, if the death was immediate, the master was punished; but if the slave lingered "a day or two," he was not punished: "For," said the law, "he is his money."<sup>4</sup> If the slave was maimed by loss of an eye, or a tooth, the penalty was his enfranchisement.<sup>5</sup> The slave sometimes escaped,<sup>6</sup> in which event, the master had the right of recaption. This right seems to have extended to the territory of the neighboring nations, as was exemplified in the case of Shimei pursuing his fugitives into the territory, and even the house of the King of Gath.<sup>7</sup> With the characteristic exclusiveness of the Jews, they denied this right to other nations, whose slaves sought refuge among them.<sup>8</sup>

The *status* of this class of servants was very different from that of the Hebrew servant. He was entitled to no civil rights; could make no complaint against his master, and could not be heard as a witness. He could not redeem himself, because he could acquire nothing.

<sup>1</sup> Exodus 21 : 8.

<sup>2</sup> The curious are referred to a very ingenious argument by Rev. J. Priest, in his Bible Defence of Slavery, to prove that all the Canaanites were black, and that "heathen" refers entirely to the black race.

<sup>3</sup> The flat-nosed must refer to the negro. Lev. 21 : 18.

<sup>4</sup> Exodus 21 : 20, 22 ; see Michaelis's Comm. vol. iv, art. 277.

<sup>5</sup> Exod. 21 : 26, 27.

<sup>6</sup> 1 Sam. 25 : 10.

<sup>7</sup> 1 Kings 2 : 39, 40.

<sup>8</sup> Deut. 23 : 15, 16.

Nor was it allowed, among the Jews, for a stranger to possess the land. Hence, the argument that the bondage of these was determined by the year of Jubilee, fails, for they had no "possession" to which they could return. Their descendants also were slaves, following the condition of the mother. Thus Solomon says, "I got me servants and maidens, and had servants born in my house."<sup>1</sup>

The value of slaves doubtless varied with their qualities and other circumstances. In the event of a slave being killed by a vicious ox, the price was fixed by the law, without regard to the circumstances, at 30 shekels.<sup>2</sup> In the case of releasing a person from a vow, a more discriminating scale of value was affixed, which we may safely take as the customary value of the times. A child under a month was valued at nothing. From 1 month to 5 years, males were valued at 5 shekels, females at 3. From 5 years to 20, males were valued at 20 shekels, females at 10. From 20 to 60 years, males at 50 shekels, females at 30. Upwards of 60 years, males at 15 shekels, females at 10.<sup>3</sup>

There were public slaves as well as private, among the Jews. These were attached to the sanctuary, and performed the menial labors for the priests and Levites.<sup>4</sup> Thus the Gibeonites, for their deceit, were condemned to be "hewers of wood and drawers of water."<sup>5</sup> Their posterity were called *nethinims* (meaning *presented as gifts*), and are mentioned on several occasions.<sup>6</sup> Samuel was a public servant, attached to the sanctuary, being so devoted from his mother's womb.<sup>7</sup>

Manumission was allowed among the Jews. The

<sup>1</sup> Eccles. 2 : 7. See also Gen. 17 : 13, 23 ; 15 : 3 ; 14 : 14 ; Ex. 23 : 12 ; Psalm 86 : 16.

<sup>2</sup> Ex. 21 : 32.

<sup>3</sup> Lev. 27 : 1-8 ; Michaelis's Comm. vol. ii, art. 124 ; see also Hosea 3 : 2.

<sup>4</sup> Lev. 31 : 40, 47 ; Michaelis's Comm. vol. ii, art. 126.

<sup>5</sup> Josh. 9 : 27.

<sup>6</sup> 1 Chron. 9 : 2 ; Ezra 8 : 17, 20.

<sup>7</sup> 1 Sam. 1 : 11.

effect of it, however, was not to confer any political privileges upon the freed man. His very name signified "uncleanness."<sup>1</sup>

At the Jewish feasts, the Mosaic law required the slaves to be invited, and, for a time, to enjoy them equally with their masters. The Sabbath was also, expressly, a day of rest for them.<sup>2</sup>

Slavery continued among the Jews so long as they were an independent nation. Even in their captivity they did not lose them; for we find, upon their return under Nehemiah, *one-sixth* of the people that came up from their captivity were "men-servants and maid-servants," exclusive of the children of Solomon's servants.<sup>3</sup> In the days of the Saviour, they still retained them.<sup>4</sup> Nor did he hesitate to avow the rightful superiority of the master, and to illustrate his precepts by this relation.<sup>5</sup> The kindly feeling existing towards the slave, is exemplified in the centurion whose sick slave was "dear unto him."<sup>6</sup>

When Nebuchadnezzar and his hosts came and "pitched against Jerusalem," the Jews, alarmed at their situation, made a covenant with Zedekiah, their king, to manumit all their Hebrew servants. After the immediate danger was removed, however, they reduced them again to servitude. It seems that the provision of the law, requiring them to be released on the seventh year, after six years of bondage, had been disregarded, and it was for this, among other sins, that Jeremiah prophesied that captivity which soon overtook them.<sup>7</sup>

<sup>1</sup> Michaelis's Comm. vol. ii, art. 126.

<sup>2</sup> Deut. 12 : 17, 18 ; 16 : 11. Michaelis conceives that the provision prohibiting the muzzling of the ox while threshing the corn, Deut. 25 : 4, was extended to the slaves eating of the provisions they prepared for their masters. Vol. ii, art. 130.

<sup>3</sup> Neh. 7 : 57, 66.

<sup>4</sup> Mark 14 : 66.

<sup>5</sup> John 13 : 16 ; 8 : 35, 36 ; Luke 17 : 7, 8, 9 ; 22 : 27.

<sup>6</sup> Luke 7 : 2.

<sup>7</sup> 2 Kings 25 : 1 ; Jer. 34 : 8-20.

## CHAPTER II.

### SLAVERY IN EGYPT.

NEXT to the Jews, the Egyptians have the earliest authentic history ; and as Ancient Egypt was not only the cradle of the arts and sciences, but has been justly said to be “ the first that found out the rules of government, and *the art of making life easy and a people happy*,”<sup>1</sup> our attention seems to be properly called next to the history of her system of slavery.

The bondage of the Israelites shows that the Egyptians were not only slaveholders at an early day, but hard taskmasters.<sup>2</sup> That they had slaves, not only agrestic, but domestic, attached to the person of the master, is abundantly shown by the inscriptions upon the numerous monuments of their ancient grandeur.<sup>3</sup> It is, moreover, well agreed from these monuments, that many of these domestic slaves were of pure negro blood.<sup>4</sup> In one of them, a large number of negroes are represented as prisoners of war.<sup>5</sup> Herodotus confirms this conclusion,

<sup>1</sup> Rees's Cyclopædia, Article “ Egypt.”

<sup>2</sup> Slaves constituted a part of the present the King of Egypt gave to Abraham. Gen. 12 : 16.

<sup>3</sup> Egypt and its Monuments. By Dr. Hawks. 2d ed. p. 144.

<sup>4</sup> The curious on this point are referred to Nott and Gliddon's *Types of Mankind*, p. 248, et seq. These monuments show negro slaves in Egypt at least 1600 years before Christ, p. 255, 262, 268, 307. That they were the same happy negroes of this day is proven by their being represented in a dance 1300 years before Christ, p. 263. The negro mummy, described on page 267, puts their existence beyond cavil.

<sup>5</sup> Wallon, *Histoire de l'Esclavage*, tom. i, p. 24, 27, n. Sir G. Wilkinson

and informs us that Ethiopia furnished Egypt with gold, ivory, and slaves.<sup>1</sup> Slave-markets undoubtedly there were, as the history of Joseph exemplifies; and it is said, that a city founded by fugitive slaves was one of the principal slave-markets.<sup>2</sup>

Upon one of the monuments at Thebes, an Egyptian scribe is represented as registering negroes as slaves, both men, women, and children.<sup>3</sup> Upon another, the victorious Egyptian king is represented as putting to flight a troop of negroes.<sup>4</sup> In still another, they are represented as indulging in their favorite amusement of this day,—the dance.<sup>5</sup> These representations are so perfect, that the most unpractised eye would recognize them at a glance. A negro skull was exhumed in the Island of Malta, among the ruins of Hadjerkem.<sup>6</sup>

Purchase and conquests seem to be the principal sources of Egyptian slavery.<sup>7</sup> A law abolishing slavery for debt, and referred to by Diodorus, shows that prior to that time this was another prolific source. He also notices the substitution, by one of the emperors, of slavery, for the penalty of death.<sup>8</sup> Such commutation made the recipients public slaves, of which there was a vast number. These were engaged upon the public

says, "It is evident that both white and black slaves were employed as servants." *Egypt and its Monuments*, p. 169. A picture of this inscription may be found in *Types of Mankind*, p. 250. See also Pulszky's contribution to *Indigenous Races of Man*, for other and farther proofs on this point, pp. 150, 189.

<sup>1</sup> Herod. 3 : 97.

<sup>2</sup> Plin. *Hist. Nat.* vi, 34, cited by Wallon, tom. i, p. 25, n. See remarks of Sir Gardner Wilkinson, quoted by Dr. Hawks, *Egypt and its Monuments*, p. 168.

<sup>3</sup> See representation of this in *Types of Mankind*, 252.

<sup>4</sup> *Types of Mankind*, 269.

<sup>5</sup> *Ibid.* 263.

<sup>6</sup> Wilkes's *Exp. Exp.* vol. ix, 186.

<sup>7</sup> Wallon, tom. i, p. 23; *Odyssey*, Bk. XIV, 260; *Egypt and its Monuments*, by Dr. Hawks, p. 164, 168.

<sup>8</sup> Diod. i, 75, 79.

works, and it was the boast of the Pharaohs, that the hand of no Egyptian labored in their erection.<sup>1</sup>

Though the negroes in Egypt were generally slaves, "prejudice of color" does not seem to have been so great as at this day, as we find in one of their inscriptions, the representation of the negro queen of one of the emperors receiving equal homage with himself.<sup>2</sup>

Among the Egyptians we first find an account of eunuchs, exhibiting a feature of ancient slavery, perhaps the most cruel and barbarous.<sup>3</sup> Moses sought, by every means, to deter the Jews from such a custom, yet we find eunuchs among the king's household,<sup>4</sup> and the prophet offering such consolation.<sup>5</sup>

The treatment of slaves by the Egyptians was very rigorous. Homicide was punished in every one except the master, but as to him there seems to have been no penalty. In the whole kingdom there was but one temple (that of the Egyptian Hercules, near Canope) in which fugitives might take refuge from cruel treatment.<sup>6</sup> "From the monuments," says Taylor, "we find that the mistress of a mansion was very rigid in enforcing her authority over her female domestics. We see these unfortunate beings trembling and cringing before their superiors, beaten with rods by the overseers, and sometimes threatened with a formidable whip, wielded by the lady of the mansion herself." Other scenes upon these monuments indicate kinder treatment. "In a tomb at Thebes," says Dr. Hawks, "is a representation, copied by Wilkinson, of a lady enjoying the bath, who is waited on by four female servants, where nothing

<sup>1</sup> Wallon, *Hist. de l'Esclavage*, tom. i, p. 28 ; *Egypt and its Monuments*, p. 168.

<sup>2</sup> Wallon, tom. i, p. 29, n. ; *Types of Mankind*, 262.

<sup>3</sup> Gen. 37 : 36. The word here translated "officer" means literally "eunuch." See *Egypt and its Monuments*, p. 169.

<sup>4</sup> 2 Kings 9 : 32.

<sup>5</sup> Is. 56 : 3.

<sup>6</sup> Wallon, *Hist. de l'Esclavage*, &c., tom. i, p. 30.

appears to indicate any other feeling than that of mutual kindness, and on the part of the attendants respectful affection."<sup>1</sup> Other representations, upon the monuments, show the cruelty of the taskmasters, and the use of the bastinado.<sup>2</sup>

Whenever, from the excess of the supply over the demand, labor becomes so cheap that the free laborer can make for his wages only his food and clothing, there ceases to be value in property in slaves; on the contrary, the ownership is a burden, because the old, the infirm, and the infant, require care, clothing, and food, without remunerating labor. The feudal system in Middle Europe and Britain laid the foundation for the emancipation of the serfs, at this stage of society. In Egypt and the East, a more refined system of bondage was adopted in lieu of that of personal slavery, which continued the degradation of the slaves, while it relieved the masters from the obligations of ownership. This system was that of castes, by which the proprietorship of the lands and the holding of the offices of government were restricted to those and their descendants who were the former masters, while the laboring classes and their descendants were arranged in subordinate castes, ranking in dignity according to the supposed honorableness of their occupations; and that this might be a perpetual condition, the children were prohibited, under severe penalties, from attempting, under any circumstances, to improve their condition by obtaining a position in a higher caste.<sup>3</sup> The transition from a state of slavery to that of an inferior caste was gradual and

<sup>1</sup> Egypt and its Monuments, p. 144, 2d ed.

<sup>2</sup> Egypt and its Monuments, p. 219, 220. A remarkable picture in the Tomb of Roscheré, at Thebes, gives so accurate a representation of the Jews engaged in the making of bricks, overlooked by their Egyptian taskmasters, as to cause doubts to be expressed of its authenticity. Ibid. p. 222.

<sup>3</sup> Prichard's Analysis of Egyptian Mythology, Book IV, ch. iii, sec. 1.

easy; and the fact that the laborers were chiefly foreigners and captives and their descendants, the preservation of the distinctive castes became an easy matter, the line being drawn by nature herself in the different races.<sup>1</sup>

The number of these castes in Egypt (about which there is disagreement in different authors), may be reduced to five. 1st. The sacerdotal order, or priesthood. 2d. The military. 3d. The herdsmen. 4th. The agricultural and commercial class. 5th. The artificers or laboring artisans,<sup>2</sup> ranking in dignity as they are named. To the two former classes belonged, by inheritance, the lands and the enjoyment of all the honorable offices of the government. The three lower classes differed only in their occupations, and might, indeed, be properly ranked together, as Strabo has done in his classification.<sup>3</sup> These were the original slaves of Egypt, and by the change have reaped no benefit. The privileged orders keep them in complete subjection; laboring without hope of advancement, "and for wages," says Volney, "barely sufficient to sustain life."<sup>4</sup> "The rice and corn they gather are carried to their masters, and nothing is reserved for them but dourra or Indian millet, of which they make a coarse and tasteless bread, without leaven."<sup>5</sup>

This system of castes gives, necessarily, a permanent and remarkably uniform character to a nation; and hence Egypt, to-day, would be, in her internal polity, the same as Egypt in the time of Herodotus and Diodorus, had not change of government and Mussulman rule crippled more completely her energy, and stagnated her industry. Recent travellers testify, that the cultivators of the present day retain of the fruit of their industry

<sup>1</sup> Wallon, de l'Esclavage, &c., tom. i, p. 22.

<sup>2</sup> Prichard, as above, p. 377, and authorities cited by him.

<sup>3</sup> Strabo, Lib. XVII.

<sup>4</sup> Prichard, 378; Wallon, de l'Esclavage, &c., tom. i, p. 22.

<sup>5</sup> Rees's Cyclopædia, Art. "Egypt."



barely enough to support existence. Their cattle and agricultural implements even, belong to the landlord.<sup>1</sup> Over them the landlord exercises unlimited control, with power to punish for offences, and to settle all disputes, without liberty of appeal.<sup>2</sup>

While the system of castes seems thus to have removed from the Caucasian races the *status* of personal slavery to the negro, it brought no relief, for the slave-market of the present day, in Cairo, offers still to the purchaser the children of Ethiopia, from whom are supplied the personal domestics of Egypt.<sup>3</sup>

There is one other class of slaves, at the present day, bought and sold in Egypt. These are the pure white Circassians, from whom the harems are supplied; and many of whose youths are purchased and educated, sometimes, for the highest offices in the state.<sup>4</sup>

<sup>1</sup> Olin's Travels in the East, vol. i, p. 40.

<sup>2</sup> Ibid. p. 43.

<sup>3</sup> Ibid. p. 61; Stephens's Egypt, &c., vol. i, p. 39; Types of Mankind, 251. Mr. Gliddon states the price of a negress to be about fifty dollars; Wilkes's Expl. Exped. vol. ix, p. 185.

<sup>4</sup> Olin's Travels in the East, vol. i, p. 34.

## CHAPTER III.

### SLAVERY IN INDIA.

WE turn naturally from Egypt to India, for the remarkable similarity in their law of castes seems hardly to be a coincidence, but indicates, in some way, a common origin. According to Menu, all men were created, respectively, from the mouth, arm, thigh, and foot of Deity; and separate duties were allotted to each, according to their origin. The first class (from the mouth), had wisdom to rule and to sacrifice. The second (from the arm), had strength to fight and protect the others. The third (from the belly and thighs), were allotted to provide nourishment for the whole, by agriculture and traffic. The fourth (from the feet), were naturally *servile*, formed to labor and to serve.<sup>1</sup> There were subdivisions of some of these classes, corresponding, with striking similarity, to the Egyptian castes. The first class among the Hindoos (originally Brahmans,<sup>2</sup> now Bramins), and the military, or second class, as among the Egyptians, monopolized all the priesthood, the government, and the learning. The agriculturists were mere tenants, having no interest in the land. And the fourth, or servile class, were declared by Menu, to be

<sup>1</sup> Richard's Analysis, &c., note to Book IV, ch. iii, p. 397; Rees's Cyclopædia, Article "Caste;" Institutes of Menu; Wallon, tom. i, p. 31.

<sup>2</sup> Some have supposed Brachman to be a contraction of Abrachman, and thus seek to trace this leading caste of the Hindoos to a descent from Abraham and his wife, Kitalali. Rees's Cyclopædia, Article Brachman.

naturally slaves.<sup>1</sup> To serve a Brahman, was declared their most laudable action.<sup>2</sup>

The same provision existed and exists in India as in Egypt, in reference to the immutable *status* of the different castes, and similar penalties inflicted for any effort to seek to migrate from the one to another.<sup>3</sup> The effect of which is, that India, to-day, is comparatively the same as India three centuries before Christ, when Megasthenes accompanied Alexander in his conquest, and left a record of his impressions.<sup>4</sup>

Though the servile class, or *Soudras*, were declared by Menu to be naturally slaves, yet we find, in modern times, many of them that, either from the clemency of their masters or the unprofitableness of their labor, are emancipated from the control of any particular master. And while those that belong to the military and agricultural castes seem originally to have been free, yet we find, in later times, from voluntary sale or other causes, many of them have become slaves to their superior castes; there being only one restriction, according to Hindoo law, and that is, that no one shall become a slave to a master of his own or an inferior caste.<sup>5</sup> In the event of a marriage between persons of different castes, the offspring followed the condition of the inferior parent.<sup>6</sup>

By the Hindoo law, slaves might become such, by voluntary sale, by sale or gift of children, by sale for

<sup>1</sup> Institutes of Menu, ch. viii, v. 414; Adam, on Slavery in India, p. 13; Wallon, tom. i, p. 32.

<sup>2</sup> Wallon, tom. i, 32, n. 5. It will be perceived that, by this means, slavery became a part of the religion of the Hindoos. Ibid. 35.

<sup>3</sup> Rees's Cyclopædia, Article "Caste;" Wallon, tom. i, p. 34, 35.

<sup>4</sup> Arrian, Strabo, and Diodorus derived all their information from Megasthenes. See Prichard's Analysis of Egyptian Mythology, note to Book IV, ch. iii, p. 397.

<sup>5</sup> Adam on Slavery in India, pp. 12, 13, and authorities cited by him; Wallon, de l'Esclavage, &c., tom. i, p. 32.

<sup>6</sup> Wallon, tom. i, p. 34.

debt, by captivity, by birth, by marriage to a slave, or by sale as punishment for crime.<sup>1</sup> Children follow the condition of their mother; and all slaves are inherited as a part of the estate of a deceased master. The agrestic slaves (such as are attached to the soil), are subject to the laws of ancestral real property; while the domestics, attached to the person, pass under the laws regulating personal property.<sup>2</sup>

The Hindoo law gave the master unlimited powers over his slaves. "It makes no provision for the protection of the slave from the cruelty and ill-treatment of an unfeeling master, nor defines the master's power over the person of his slave. It allows to the slave no right of property even in his own acquisitions, except by the indulgence of his master."<sup>3</sup>

The modes of enfranchisement, by this law, were various. Among others, the preservation of the master's life; or the bearing to him a son, by a female slave, operated as a manumission.<sup>4</sup>

When India passed under Mussulman rule, the Mohammedan law of slavery became engrafted upon that of India, and, until the possession by Britain, was the paramount law.

The Mohammedan law recognized but two legitimate sources of slavery, viz.: captive infidels, and their descendants; these are subject to all the laws of contract, sale, and inheritance, as other property. They cannot marry without the consent of their masters; they cannot testify as witnesses; they cannot be parties to a suit; they are ineligible to all offices of profit and trust; nor can they contract, or acquire, or inherit property.

<sup>1</sup> Adam, on Slavery in India, 14, citing Colebrooke's Digest of Hindoo Law, vol. ii, pp. 340, 346, 368; Menu's Institutes of Hindoo Law, ch. viii, v. 415; Wallon, de l'Esclavage, &c., tom. i, p. 30.

<sup>2</sup> Ibid.

<sup>3</sup> Colebrooke, quoted by Adam, p. 17; Wallon, de l'Esclavage, &c., tom. i, 33.

<sup>4</sup> Adam, on Slavery in India, 17, 19.

The master's control over the slave is very great; and his murder subjects the master to no punishment. If another person kills him, his master may commute the punishment for a pecuniary compensation.

This description of slaves cannot be emancipated. There are other or qualified slaves who, under certain circumstances, such as bearing children to the master, become free.<sup>1</sup>

When India, through the agency of the East India Company, passed under British rule, it became a matter of grave concern, how far the laws of Britain should be substituted for the native regulations. After various provisions, looking wisely to the adoption of laws "suitable to the genius of the people," it was finally established, in 1793, that, "In suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions, the Mohammedan law, with reference to Mohammedans, and the Hindoo law, with regard to Hindoos, are to be considered the general rules by which the Judges are to form their decisions." Under this provision, it was held that the Hindoo and Mohammedan laws of slavery were established, as to those coming under their respective influence; and these laws were enforced by the British East India Court, from the date of this regulation (1793) until the nominal abolition of slavery by the East India Company.<sup>2</sup>

Slavery in British India, however, was not confined entirely to those so declared by the Hindoo and Mohammedan law. There were slaves, made so originally and directly under the law of the British Government.

<sup>1</sup> This summary of the Mohammedan law is extracted from Macnaghten's *Principles and Precedents of Mohammedan Law*, as cited by Adam, on *Slavery in India*, pp. 20, et seq., 41, 63, et seq.; see also Buchanan's *Travels in Mysore, &c.*, vol. ii, 495.

<sup>2</sup> See Adam, on *Slavery in India*, 24-27; Harrington's *Analysis of the Laws and Regulations*, vol. i, p. 1, et seq.; Macnaghten's *Hindoo Law*, vol. i, p. 113.

Thus, in 1772, certain bands of robbers, termed Decoits, infesting the public roads, upon conviction, were to be executed publicly; "*and the family of the criminal shall become the slaves of the state, and be disposed of for the general benefit and convenience of the people, according to the discretion of the government.*"<sup>1</sup> Thus, by the Hindoo law, men were enslaved for their own crimes; by the British law, for the crimes of their parents. This law was repealed in 1793.

The servile class in India are very nearly the color of the African negro. There are, however, distinguishing characteristics, showing them to be of different races. The negro proper, however, has found his way to India, and is there, as he is everywhere, in a state of slavery. The East India Company early discovered his adaptation to the labor of this hot climate, and worked their most extensive plantations of the nutmeg and clove by African labor.<sup>2</sup> And even at the time that British cruisers were hovering on the western coast of Africa, more effectually to prevent the African slave-trade, on the eastern coast a similar trade was being prosecuted, within their knowledge and to their own dominions, declared by an order of the Vice-President in Council, on 9th September, 1817, to be "of a nature and tendency scarcely less objectionable than the trade which has been carried on between the western coast of Africa and the West India Islands."<sup>3</sup> Prohibitory regulations were afterwards adopted, the effect of which, according to Mr. Chaplin's Report, was to "increase the price, without putting a stop to the traffic."<sup>4</sup> Mr. Adam, an

<sup>1</sup> Adam, on Slavery in India, 38; Colebrooke's Digest of the Regulations, Supplement, p. 7, 114; Harrington's Analysis, vol. i, p. 308.

<sup>2</sup> Adam, on Slavery in India, 40.

<sup>3</sup> Harrington's Analysis, vol. iii, p. 755; Adam, on Slavery in India, 78, 149.

<sup>4</sup> Report, pp. 150, 151; Adam, 149.

eyewitness, gives it as his opinion, that the trade had not entirely ceased in 1840.<sup>1</sup>

Slaves cannot be valuable where free labor demands only about four cents per day for wages; and, hence, we are not astonished to find the prices of slaves varying from eleven shillings to £2 5s.<sup>2</sup> The treatment of the slaves in British India was generally mild. "The slave is a favorite and confidential servant rather than an abject drudge. . . . The mildness and equanimity of the Indian's temper (or his apathy and slowness, if this better describe the general disposition of the people), contribute to insure good treatment to the slave."<sup>3</sup> The food and raiment allowed them were scanty, but fully equal to that of the free laborers of that class.<sup>4</sup> In India, as in all Eastern countries, many of the slaves are eunuchs.

The East India Company have lately abolished slavery within their dominions. This was necessarily merely nominal. The slaves remain with their old masters receiving as wages what they formerly received as food and raiment. Their actual servile condition remains unchanged. The number of them, in 1840, was estimated at about one million.<sup>5</sup>

<sup>1</sup> Slavery in India, 151.

<sup>2</sup> Adam, 107.

<sup>3</sup> Mr. Colebrooke's official paper of 1812.

<sup>4</sup> Buchanan's Travels in Mysore, &c., vol. ii, 370, 491.

<sup>5</sup> Adam, 129.

## CHAPTER IV.

### SLAVERY IN THE EAST.

AMONG the earliest records of the Assyrian Empire, we find the model of that system of slavery which distinguishes all oriental nations. Tradition ascribes to Queen Semiramis the introduction of the barbarous custom of making eunuchs of slaves. The Zendavesta, the most ancient of their records, and containing the pretended revelations of Zoroaster, recognizes four classes or castes: the priests, the warriors, the agriculturists, and the artisans. Infidels and negroes (*les fils des ténèbres*), taken captive in war, were reduced to slavery.<sup>1</sup>

The Medes and Persians, the successors to the religion of Zoroaster, exhibit oriental slavery in its full perfection. The number of domestic slaves attending the person and the various household duties was very great. The sources of slavery were chiefly captives taken in war, and children purchased either from their parents or from slave-dealers. The merchants of Phenicia and of Greece made them one of the articles of commerce. Hence the slaves were very numerous at Tyre and in the Phenician cities. The satrap of Babylon and of the Assyrian country, furnished annually to the Persians five hundred young eunuchs. And in the expedition against Ionia, the most beautiful children were reserved and condemned to this condition.<sup>2</sup> The fidelity of the eunuchs made them, according to Herodotus,

<sup>1</sup> Rees's Cyclopædia, Art. Zendavesta; Wallon, de l'Esclavage dans l'Antiquité, tom. i, 45, 47.

<sup>2</sup> Wallon, de l'Esclavage dans l'Antiquité, tom. i, 47. In speaking of the



highly prized among barbarous nations, and they consequently filled the highest offices in the households of the nobles.<sup>1</sup>

The power of the master over the slave, among the Persians, was almost unlimited. Herodotus says, it was not allowed a Persian to punish one of his slaves cruelly for a single fault, but if, after due consideration, his faults were found to outnumber and outweigh his virtues, the master might then follow the dictates of his anger.<sup>2</sup> Sometimes the slaves revolted, as at Tyre, where they massacred the freemen, and took possession of the city.<sup>3</sup>

Frequently the nobles armed their slaves, and led them in battle. The Parthians are said to pursue the same course.<sup>4</sup> At Babylon there was a custom, at a certain fête, for the masters to obey their slaves for five days. One was selected to rule as king. At the expiration of the fête he was killed.<sup>5</sup>

What has been said of Persia is true of all the surrounding countries. In fact, in the countries of the East, slavery is universally an element of the social organization. A celebrated French writer upon this subject, in summing up, says, "*Comme on vient de le voir par ce rapide aperçu pour l'orient, cet antique berceau du genre humain et de la civilisation du monde, l'organisation sociale se résume en deux mots qui sont, pour ainsi dire, les deux termes d'un même rapport: despotisme, esclavage.*"<sup>6</sup> China, with her wonderful self-existing and self-perpetuating civilization, forms no exception to this remark. At least twelve hundred years before the Christian era, captivity and other sources furnished slaves to the Chinese. The most fruitful source, was

number of domestics, he enumerates "legions of cooks, musicians, dancers, valets de table, porters, and keepers of baths." Cyrus, we recollect, among the Medes, acted as a wine-bearer. Xen. Cyrop.

<sup>1</sup> Herod. viii, 105.      <sup>2</sup> Herod. i, 137.      <sup>3</sup> Wallon, tom. i, p. 50.

<sup>4</sup> Xenophon, Cyrop. viii, 8, 20; Wallon, tom. i, 52, note.

<sup>5</sup> Wallon, tom. i, p. 51; Dion. Chrysost. Orat. iv, De Regno, p. 69.

<sup>6</sup> Wallon, tom. i, p. 52.

the sale of themselves and their children by the poor. The children of slaves were slaves by birth; and on the master's death, were the subjects of inheritance.

The treatment of slaves in China was milder than in the East generally. The law protected his life and his person. The branding of a slave with fire worked his enfranchisement. "Thus," says Wallon, "the mark of slavery became his title to liberty."<sup>1</sup>

When the Greeks and Romans successively overran the East, they introduced no change in the system of slavery. It was, if different, more lenient in practice than their own. When Arabia, under the infatuation of religious zeal, brought the surrounding nations, at one time, under her power, and to the knowledge of the faith, she found nothing in slavery that was not only consistent with, but expressly commanded, in that great miracle of the Prophet, the Koran.<sup>2</sup> Years and ages, hence, have made but little change in the law of Eastern slavery, though much of Eastern glory has departed.

Here, too, we find the negro still a slave.<sup>3</sup> The numbers, in ancient times, we cannot estimate. In later days, a brisk trade has been and even now is carried on with the eastern coast of Africa by Arab dealers, who supply Persia and Arabia with African slaves.<sup>4</sup>

Commodore Perry describes the Japanese slavery of the present day as of the most abject and wretched character. The poor frequently sell themselves as slaves, the price varying from two to ten dollars. The different ranks in society were distinguished by the metal of which the hair-pin was made, whether of gold, silver, or brass.<sup>5</sup>

<sup>1</sup> See Wallon, tom. i, p. 40. He refers to and cites freely M. Biot, *Mémoires sur les Chinois*.

<sup>2</sup> By its provisions, homicide of a freeman only was murder, and allowed the retribution by the avenger of blood. Chap. ii, 173.

<sup>3</sup> Texier's *Arménie, Perse, et Mésopotamie*, 1842, Pl. 113. Quoted in *Types of Mankind*, 254.

<sup>4</sup> Harrington's *Analysis*, vol. iii, p. 748; Adam, on *Slavery in India*, 78.

<sup>5</sup> *United States Japan Exped.* vol. i, pp. 219-226.

## CHAPTER V.

### SLAVERY IN GREECE.

It has been considered a striking contradiction in the character of the Greeks, that while they professed to be worshippers of liberty, during their whole history they not only tolerated but encouraged slavery, and in such a form, that it became a proverb, that "at Sparta the freeman is the freest of all men, and the slave the greatest of slaves."<sup>1</sup> Whether this is really a contradiction we shall elsewhere consider, when we examine the political and social influences of slavery; and perhaps we may find that true philosophy confirms the conclusions of Aristotle and Plato, that this is an element essential in a true republic, for the preservation of perfect equality among citizens, and the growth and encouragement of the spirit of liberty.

Our inquiry now is as to the facts, and we find slavery among the Greeks from their earliest authentic history. True, it is stated, that among the Hellenes, in the earliest times, there was no slavery.<sup>2</sup> Yet, in the time of Homer, we find it in general use; not only of captives taken in war, but of slaves purchased for a price.<sup>3</sup> The familiar use of the institution in illustration, by the poets, dramatists, and writers of Greece, shows how completely it was interwoven into their entire system.<sup>4</sup>

<sup>1</sup> Plutarch's *Lycurgus*.

<sup>2</sup> Herod. vi, 137.

<sup>3</sup> *Odyssey*, xiv, 339; xv, 483; xxii, 421; *Iliad*, iii, 407; vi, 460; Eurip. *Hecuba*, 442, 479.

<sup>4</sup> The curious will find a large number of extracts and illustrations,

The legitimate use of these by the historian, is beautifully defended by M. Wallon: "Car les muses sont filles de la mémoire (Mnemosyne) et dans ces premiers temps, fidèles à leur origine, elles puisent aux traditions nationales le sujet de leurs chants."<sup>1</sup>

The Hellenes were not the earliest inhabitants of Greece. The Ante-Hellenic period, however, is so legendary, as to be almost fabulous. Even the name of the people, Pelasgi, is said, and believed by many, to be without a corresponding race, in fact, and those who are said to be their descendants, occupied, in Ancient Greece, an inferior position in society.<sup>2</sup> We may, therefore, well doubt the statement that there ever was a period in which the Hellenes did not practise and recognize slavery. The barbarous aboriginal inhabitants formed too convenient a material to be disregarded by their superiors; and the right to and practice of enslaving the conquered, were recognized by all the surrounding countries. These, of all others, saw a wider difference between themselves and barbarians, and were the least likely to doubt the right or discourage the practice of enslaving barbarians. Certain it is, that from the earliest period of their authentic history, we find conquest a fruitful source of slavery among the Greeks.<sup>3</sup> An intelligent French writer concludes, after a full investigation, that the critic may rightfully determine that slavery existed in Greece prior to that time at which we have the evidence to demonstrate its presence.<sup>4</sup> So deeply im-

collected by the research and industry of Mr. Fletcher, in his *Studies on Slavery*, p. 516, et seq.; See Eurip. *Hecuba*, 442; *Troades*, 186, 282; *Plautus, Casina. Captivi*; *Aristophanes, Plutus*, et passim; *Sophocles, Trachiniæ*.

<sup>1</sup> De l'Esclavage dans l'Antiquité, tom. i, 58.

<sup>2</sup> Grote's *History of Greece*, vol. ii, 261, et seq., and authorities cited.

<sup>3</sup> Xen. *Cyr.* vii, 5, § 73. Homer gives a graphic description of the taking of a city and its consequences in the address of the old knight, Phoenix. *Iliad*, ix, 585-600.

<sup>4</sup> Wallon, de l'Esclavage dans l'Antiquité, tom. i, p. 56.

pressed was slavery upon the Grecian institutions in the heroic age, that we find it transplanted among the Gods, and Apollo serving as the slave of Admetus, as a penalty for the murder of the Cyclops.<sup>1</sup> And Hercules, sold to Omphale a barbarian, completes a year in her service. Enraged at this indignity, he seeks revenge upon Eurytus, whom he looked to as the cause, and taking an advantage of Iphitus, the son, while his eye is turned in another direction, hurls him from a towering height. Jupiter, incensed at this cowardly trick, condemned Hercules again to slavery.<sup>2</sup> In a fragment of Panyasis, he says, "such (slavery) was the lot of Ceres, of the illustrious blacksmith of Lemnos, of Neptune, of Apollo, of the terrible Mars, bending under the fatal will of his father."<sup>3</sup>

In the Grecian mythology, Mercury was the peculiar God of the slave, who protected and partook of his thefts.<sup>4</sup>

The sources of slavery among the Greeks were the same as those we have noticed among other nations, until the celebrated Seisachtheia (*Σεισάχθεια*) or Relief Law of Solon, the insolvent debtor was the slave of his creditor. This act forbade the pledge of the person as a security for the debt, released many debtors, who were suffering the penalty of slavery, and even made provision for the repurchasing and bringing back in liberty, many insolvent debtors, who had been sold and exported. Solon farther forbade the sale by parents of their children as slaves, except in the case of an unchaste daughter.<sup>5</sup> The policy of their laws from that time discour-

<sup>1</sup> Eurip. *Alcestis*, i, 2.

<sup>2</sup> Sophocles, *Trachinæ*, 225-293; Æschylus, *Agam.* 1020.

<sup>3</sup> Quoted in Wallon, tom. i, 81.

<sup>4</sup> Aristoph. *Plutus*, 1140, et seq. Quoted in Wallon, tom. i, p. 300.

<sup>5</sup> Grote's *Hist. of Greece*, vol. iii, p. 98; Plutarch's *Life of Solon*. In the other Grecian states, except Athens, the sale of children into slavery continued. Wallon, i, 158.

raged the enslavement of Greeks, and looked to the barbarians alone for a supply,<sup>1</sup> although, in some states, the debtor still remained the subject of sale.<sup>2</sup>

Expeditions were fitted, and wars undertaken frequently, merely for the purpose of procuring slaves.<sup>3</sup> Such expeditions filled up the leisure hours of the Greeks during the siege of Troy. The stealing of beautiful girls and boys for the purpose of enslaving them was a common practice with the maritime nations. The touching story of the swineherd Eumæus told Ulysses, illustrates this truth.<sup>4</sup> Piracy formed also a continual source of supply, which kept even pace with the demand.<sup>5</sup>

The children of female slaves followed the condition of their mother, even if the master was their acknowledged father. An excepted case was that of a master's living with a female slave as *παλλαγή*, or concubine, in which event the children were free.<sup>6</sup> Ulysses was the offspring of such a connection, and he gratefully acknowledged that his father honored him equally with his legitimate sons.<sup>7</sup> Though free, their position, however, was precarious, and depended more upon the will and power of the father than any fixed rights. Hence, Tecmessa appealed to Ajax in behalf of her son, the issue of such concubinage, in the event of his dying during the son's tender years, lest she "should eat the

<sup>1</sup> See the speech of Callicratidas, Xen. Hellen. vi, 14.

<sup>2</sup> Isocr. Platocens, 19; Becker's Charicles, 272; Smith's Dict. of G. & R. Antiq. "Servus" (Greek). In the intestine wars among the different Greek nations, and even in the civil wars in the several states, the enslavement of the vanquished was enforced. See Wallon, i, 162, 163, and the authorities cited.

<sup>3</sup> Odyssey, xiv, 250; Sophocles, Trachiniæ, 253, et seq. Aristotle maintained the justice of such wars. Polit. iv, 7; xiii, 14.

<sup>4</sup> Odyssey, Bk. XV, 375, 500. Plautus, Captivi.

<sup>5</sup> Wallon, i, 166, et seq.; Smith's Dict. "Servus" (Greek).

<sup>6</sup> Becker's Charicles, Excursus to Scene vii, p. 27; Wallon, i, 157.

<sup>7</sup> Odyssey, xiv, 200-210.

bread of slavery with her son.”<sup>1</sup> This concubinage did not emancipate the mother. In the same appeal Tecmessa acknowledges her state of slavery.<sup>2</sup>

Another source of slavery among the Greeks was from the sale of strangers, residents in the city, Metics, who, upon failure to discharge their obligations to the state, or upon fraudulently, by marriage, introducing themselves into the family of a citizen, were condemned to slavery.<sup>3</sup>

Sometimes slavery was voluntarily submitted to as an expiation for an offence, especially homicide.<sup>4</sup>

There were two kinds of slavery among the Greeks, which may be denominated agrestic, attached to the land, or serfs, and domestic or personal servants. The former consisted chiefly of the conquered inhabitants of a country, who were first made the slaves of the community, and were retained in the possession of the conquered territory.<sup>5</sup> Among conquered nations, however, there was a difference in the degree of servitude, arising from the circumstances under which the conquest was effected, and the degree of force used therein. Of some, tribute only was required, and an acknowledged state of dependence, with a liability to answer the calls of the conquerors for men and munitions of war. Such were admitted to bear arms in the wars, and sometimes to hold offices, though their condition was still inferior to that of citizens. In Laconia, these were termed *Perioiki*, occupying a middle rank between the freemen and the *Helots*.<sup>6</sup>

In other cases, when the resistance was obstinate, or, after subjection, the vanquished were rebellious, a more

<sup>1</sup> Sophocles, *Ajax*, 485-518.

<sup>2</sup> *Ibid.*

<sup>3</sup> Wallon, i, 160.

<sup>4</sup> Wallon, i, 63.

<sup>5</sup> Wallon, tom. i, 56; Smith's Dict. "Servus" (Greek).

<sup>6</sup> Wallon, tom. i, 94, et seq.; Grote's Hist. of Greece, vol. ii, 364. The original meaning of the word *περιοίκοι* is, "surrounding neighbor states," and is thus used by Thucydides, i, 17, by Isocrates, *De Pace*, p. 182.

rigorous servitude was enforced. Such were the Helots of Sparta, pure slaves, having no rights and allowed but few privileges; restricted from bearing arms, except as attendants of their masters, or even from self-defence. The tradition was, that they derived their name from the inhabitants of Helos; who, refusing to accept the same terms with the other Perioiki, were reduced to a more severe bondage, and this gave an appellation to this class of slaves.<sup>1</sup> The Helots were the property of the state, though their services were given to individuals. The state reserved the right of emancipating them, and sometimes exercised it.<sup>2</sup> They constituted the rustic population of Laconia; sometimes working the lands for a fixed rent, and sometimes under the immediate direction of a master.<sup>3</sup> By reason, however, of their being the slaves of the state, they were subject to the control and order of every citizen.<sup>4</sup> The rent that he paid for the land was fixed by the state: a certain portion of barley and a proportional of oil and wine.<sup>5</sup> Being the slave of the state, the Helot was never sold, especially out of the country; and feeling the pride of Grecian birth and descent, frequently on the field of battle won his freedom. They were permitted to possess a small amount of property, how much is not certain.<sup>6</sup> These circumstances gave them a marked superiority over the barbarian slave population of Athens and Chios; while, at the same time, they rendered them more rebellious and unruly, requiring for their subjection a greater degree of rigor. Instances of great cruelty and inhumanity are recorded of the Spartans, in

<sup>1</sup> Smith's Dict. "Helotes." A more satisfactory definition is from the obsolete verb, *ἐλω*, to take or conquer. See Wallon, tom. i, 100-101; Grote, vol. ii, 374.

<sup>2</sup> Smith, as above; Wallon, tom. i, 103.

<sup>3</sup> Smith, as above; Grote's History of Greece, vol. ii, 373.

<sup>4</sup> Wallon, tom. i, 103.

<sup>5</sup> Plutarch, Lyc.; Wallon, i, 103; Smith, as above.

<sup>6</sup> Grote's Hist. vol. ii, 375.



their treatment of the Helots. Some of them bear marks of exaggeration, which justify incredulity; such as the story of the disappearance of two thousand of them immediately after emancipation. The truth seems to be, that they sought to break the spirit of their unruly slaves by exhibitions of ostentatious scorn; and, at the same time, to inspirit their youth with a detestation of the degradation of slavery, and an unconquerable determination to preserve their own *status* as freemen. Such was the twofold motive for exhibiting them to their youth in a state of drunkenness. The result of such teaching would, naturally, lead to cruelty from the youth to the slaves; and the absence of a specific master to protect them (being slaves of the state), frequently, without doubt, subjected the unfortunate Helot to cruel oppressions.<sup>1</sup>

The other states of Greece had their agrestic slaves, as well as Athens and Sparta. The Penestæ of Thessaly resembled very much the Helots of Sparta, their condition being generally superior. They were slaves of particular masters, and not of the state. They are supposed to have been the descendants of the aboriginal inhabitants, and, like the Helots, were more ungovernable than the purchased slaves of Athens.<sup>2</sup>

So the Klarotæ, or Perioiki, of Crete, according to Aristotle, occupied a similar position with the Helots of Sparta. Some of them, however, were the property of particular masters, while others belonged to the state. The latter worked the public lands, and attended the public flocks—the principal source of their public revenue—attended at the public feasts, and performed similar duties on public occasions. Even those belonging to particular masters, were generally occupied with rural

<sup>1</sup> Grote's Hist. vol. ii, 375; Smith's Dict. "Helotes;" Wallon, i, 104.

<sup>2</sup> Smith's Dict. "Penestæ."

labors. The menial duties of domestics were performed by purchased slaves.<sup>1</sup>

At Corinth, also, we find the agrestic slaves.<sup>2</sup> So at Argos, Epidaurus, Sicyone, and at Delphos.<sup>3</sup>

In almost every Grecian state we find the public slaves. Those at Athens were termed "Demosii." They were educated to fill subordinate offices, such as heralds, clerks, &c. Sometimes they formed a part of the city guard, and preserved order in public assemblies. It is supposed that these possessed superior legal rights to the private domestic slave.<sup>4</sup>

In every portion of Ancient Greece we find the domestic slave. In Sparta they were selected from the Helots.<sup>5</sup> In most of Greece they were purchased slaves, generally barbarians, and bought in the slave-markets. These markets were regularly opened; the supply, from wars, commerce, piracies, and kidnapping, being ample. The largest and most remarkable were held at Chios and at Athens.<sup>6</sup> In these, the purchaser could supply himself with slaves from different countries and of different qualities, according to the service for which they were bought. Their very names indicated their different origin.<sup>7</sup> Those of the North were large, rough, and sometimes unruly. Those from Egypt were accustomed to burdens, and were very enduring. From Egypt principally came the supply of negroes. These were prized for their color, were kept near the persons, and were considered slaves of luxury.<sup>8</sup> The prices of slaves varied

<sup>1</sup> Grote's Hist. vol. ii, 364; Wallon, tom. i, 121-125.

<sup>2</sup> *κυνόφυλον*, literally race of dogs; Wallon, i, 127.

<sup>3</sup> Ibid. 130.

<sup>4</sup> Smith's Dict. verb, "Demosii."

<sup>5</sup> Grote's Hist. of Greece, vol. ii, 375.

<sup>6</sup> Becker's Charicles, 272. Both at Athens and at Rome the market took its name from the stone on which the sale was made.

<sup>7</sup> Wallon, i, 169, et seq.; Smith's Dict. "Servus."

<sup>8</sup> Wallon, i, 169; Theophe. Char. xxi; Becker's Charicles, Exc. 1, and Scene vii, 275. See Indigenous Races of Man, pp. 190, 191, for cuts of Etruscan vases, showing the perfect negro face and head.

very much, according to their qualities, and the object for which they were purchased. Artisans were sometimes very valuable. They never, however, reached those exorbitant rates which were afterwards paid for them at Rome. They were generally stripped naked when sold.<sup>1</sup>

As we have seen, the negro was a favorite among slaves. The opposite color, "white," does not seem to have enjoyed the same favoritism. According to Plutarch, in his *Life of Agesilaus*, when that king made an expedition into Persia, he ordered his commissaries, one day, to strip and sell the prisoners. Their clothes sold freely, "but," says the historian, "as to the prisoners themselves, their skins being soft and white, by reason of their having lived so much within doors, the spectators only laughed at them, thinking they would be of no service as slaves." Eunuchs were common among the slaves in Greece.<sup>2</sup>

In the later days of Greece, it denoted poverty to be seen without an attendant. The number of these varied according to rank and wealth, but never was so great as at Rome. In Greece, slaves were looked to as a source of income and revenue; but in Rome, merely as ministering to their pride and luxury. No individual in Greece ever swelled out the number of his slaves to the enormous limit common at Rome. But the most of the Grecian slaves were artisans, or skilled in some way to be profitable to the master.<sup>3</sup> Hence there were no learned slaves, as at Rome; nor slaves kept for mere pleasure, as actors, dancers, musicians. When attend-

<sup>1</sup> Smith's Dict. "Servus" (Greek); Xen. Mem. ii, 5, § 2; Becker's Charicles, as above. See Wallon, tom. i, 197, et seq.

<sup>2</sup> Herod. viii, 105.

<sup>3</sup> See Becker's Charicles, as above; Smith's Dict. "Servus;" Arist. De Repub. ii, 3, iii, 4; Aristoph. Eccl. 593; Xen. Mem. i, 7, 2; Plato, Leg. v, 742, vii, 806. When Phocion's wife had only one female slave to attend her, it was the subject of remark at the theatre. Plutarch's Phocion.

ing his master in the streets, the slave preceded, and did not follow. The reason for this custom was the frequent escapes of fugitive slaves.<sup>1</sup> More than 20,000, we are told, escaped at one time during the occupation of Decelea by the Lacedemonians.<sup>2</sup> The master had the right to pursue and recapture the fugitive, and the penalty was, frequently, branding in the forehead, to prevent a repetition of the offence.<sup>3</sup> The delivery of fugitive slaves was frequently a subject-matter for treaties between the different states.<sup>4</sup> In the later days of the republic, there were offices where insurance was taken to respond, in the event of the flight of the slave.<sup>5</sup>

The number of female slaves about the house was not proportionally great, many of their offices being performed by men.<sup>6</sup> They were under the direction of a stewardess, as the men were under a steward. The slaves on a farm were controlled entirely by an overseer; the master and owner residing generally in the city.<sup>7</sup>

The number of slaves in Greece was very large. Their imperfect census, however, leaves the exact number and proportion doubtful. The better opinion is, that they were three or four times the number of the free population.<sup>8</sup>

The condition of the Greek slave was much more tolerable than that of the Roman. He was much more familiar with his master than the Roman. Plutarch's

<sup>1</sup> Becker's *Charicles*, as above; Lucian, *Amor.* 10.

<sup>2</sup> Thucyd. vii, 27.

<sup>3</sup> Xen. *Mem.* ii, 10; Plat. *Protag.* p. 310; Smith's *Dict.*; Becker's *Charicles*, 279; Athenæus, vi, 225; Aristoph. *The Birds*, 758; Wallon, tom. i, 317.

<sup>4</sup> Thucyd. iv, 118.

<sup>5</sup> Smith's *Dict.* "Servus" (Greek). Antigenes, of Rhodes, was the first to establish such an insurance. *Ibid.*

<sup>6</sup> Becker's *Charicles*, 275.

<sup>7</sup> Xen. *Econ.* xii, 2; ix, 11; Aristot. *De Repub.* i, 7; Wallon, i, 310.

<sup>8</sup> Smith's *Dict.* "Servus" (Greek); Becker's *Charicles*, 273. The subject is elaborately considered by Wallon, *Histoire, &c.*, tom. i, 220, et seq.

anecdote concerning "Garrulity," evidences the latter thus: Piso invited Clodius to dine, a slave being the bearer of the invitation; the dinner was delayed by the non-arrival of Clodius. At last the host inquired of the slave if he was sure he invited him. The reply was, "Yes." "Why doesn't he come then?" "Because he declined the invitation." "Why did you not tell me that before?" "Because you never asked me about it," was the slave's reply.<sup>1</sup> Euripides represents the deprivation of the liberty of speech as the greatest of ills, and adds, that this is the condition of a slave.<sup>2</sup> While, however, the legal right was absent, the privilege was extended almost *ad libitum* to the Athenian slave at least.<sup>3</sup> Plato objects to this practice as evil, and adds, "The address to a slave ought to be entirely or nearly a command; nor should persons ever in any respect jest with them, whether males or females, acts which many persons do very foolishly towards their slaves, and by making them conceited render it more difficult during life for their slaves to be governed, and for themselves to govern."<sup>4</sup>

The result of this kind treatment was a corresponding fidelity on the part of the slave. Thus, Plato bears witness, that "many slaves, by conducting themselves with respect to all virtue, better towards some persons than brothers and sons, have preserved their masters and their possessions, and the whole of their dwellings."

"Other masters," he says, "by frequent use of goads and whips, cause the very souls of their servants to become slavish."<sup>5</sup>

<sup>1</sup> De Garrul. 18; Plaut. Stech. iii.    <sup>2</sup> The Phenician Virgins, 391, 3.

<sup>3</sup> Becker's Charicles, Exc. Sc. vii, 276; Dem. Phil. iii. The comedies of Aristophanes abound with confirmations of this fact. See especially The Frogs, 51, et passim, Pseudolus; see also Terence, Andr. vi, 676; see also Plautus, Casina (Prologue), Epidicus.

<sup>4</sup> De Leg. Bk. VI, ch. xix, Burges's Trans.

<sup>5</sup> De Leg. Bk. VI, ch. xix.

Occasionally the slaves were allowed feasts and holidays, at which times they enjoyed unrestrained liberty. The master frequently furnished the feast luxuriously.<sup>1</sup> There were also certain public feasts, in which the slave participated freely with his master; such were the Anthesteria feasts of Bacchus; at the conclusion of which the herald proclaimed: "Depart, ye Carian slaves, the festivals are at an end."<sup>2</sup> So, even at Sparta, during the feast of Hyacinthia, the slaves were admitted to the same table and sports with the masters.<sup>3</sup> In Thessaly, during the feasts of Jupiter Pelorius, the masters exchanged places with them and served them. During the feasts of Saturn, in Greece as well as at Rome, unrestrained liberty was allowed to all.<sup>4</sup>

The affection of the master frequently followed the slave to the grave; and more than once they lay in a common sepulchre. The inscriptions on several monuments at Athens testify to the high esteem and sincere grief of the surviving master.<sup>5</sup> Euripides gives us a touching proof of this affection in the death-scene of *Alcestis*. "All the servants wept throughout the house, bewailing their mistress, but she stretched out her right hand to each, and there was none so mean whom she addressed not, and was answered in return."<sup>6</sup>

The life and person of the slave were protected by law at Athens, and an action lay by the master for injury done to his slave.<sup>7</sup> If the slave was cruelly treated by his master, he could take refuge in the Thescion, or

<sup>1</sup> Plautus, *Stechus*, Act III, Sc. I.

<sup>2</sup> Potter, *Gr. Ant.* vol. i, p. 422, et seq.; Wallon, tom. i, p. 299.

<sup>3</sup> Wallon, tom. i, 299, 300.

<sup>4</sup> Wallon, tom. i, 300.

<sup>5</sup> Bœckh. *P. II*, *Inscrip. Atticæ*, Cl. XI, Nos. 939, 1002, 1890, 1891, 1792, 2009, 2327, 2344; Wallon, tom. i, 301.

<sup>6</sup> *Alcestis*, 175, et seq.; see also *Odyssey*, xvii, 33; xv, 363, et seq.; xxiv, 226; *Iphigenia in Aulis*, passim, and the old nurse in *Media*.

<sup>7</sup> *Xen. De Rep. Ath.* i, 10; *Æschin. in Timarch*, 41; *Demosth. in Mid.* 529.

at some other altar, and then the master was forced to sell him.<sup>1</sup> The reason is given by the poet: "The seat of the Gods is a common defence to all!"<sup>2</sup> In some cases the master lost all right of property upon the slave's taking refuge. Thus the temple of Hercules, at Canope, kept possession of all slaves seeking an asylum there. So that of Hebe at Phlius, gave liberty to the fugitives, suspending their chains upon the boughs of the sacred trees.<sup>3</sup> For the greater protection of the slave, who could not always reach the asylum, the mere presence with him of a consecrated relic, was an amulet and a charm against the master's cruelty: such were crowns of laurel from the temple of Apollo, and sometimes small bands or mere strings worn around the forehead.<sup>4</sup>

The homicide of a slave at Athens, by any one other than the master, was punishable in the same manner as that of a freeman.<sup>5</sup> With the master, the punishment was exile and religious expiation.<sup>6</sup> Plato, in his laws, proposes for the former, indemnity to the master for the loss of the slave, and religious purification. In the case of the master, religious purification solely.<sup>7</sup>

Slaves were not considered as persons in the Greek law. Marriage was not recognized between them, although a kind of contubernial relation existed. This was entered into with the same solemnity, and sometimes with the same feasting, as a regular marriage. Hence, in the prologue to *Casina*, the question is asked, "Are slaves to be marrying wives, or asking them for themselves, a thing that is done nowhere in the world?"

<sup>1</sup> Becker's *Char. Exc. Sc.* vii, 277; see note 33, in Appendix to Wallon, tom. i, p. 482.

<sup>2</sup> Eurip. *Heracl.* 260; see also *Androm.* 260.

<sup>3</sup> Herod. ii, 113; Pausan. ii, xiii, 4.

<sup>4</sup> Wallon, tom. i, 313; Aristoph. *Plut.* 20.

<sup>5</sup> Dem. in *Midias*; Eurip. *Hec.* 288.

<sup>6</sup> Wallon, tom. i, p. 315.

<sup>7</sup> Bk. IX, ch. viii.

But I affirm that this is done in Greece and at Carthage, and in our own country, in Apulia."<sup>1</sup>

The slave could not appear as a suitor in the courts, except in the single case of a suit for his liberty, when he appeared by a guardian.<sup>2</sup> He was sometimes permitted to testify in the courts, but always under torture—a proceeding which shocks our sense of justice and humanity, but was approved and defended by the orators of that time. Neither age nor sex was a protection against this cruelty, and if the master refused to permit it, he was himself subjected to punishment.<sup>3</sup> Though deprived by law of any right of property, still the slave was allowed by usage his *peculium*.<sup>4</sup>

Wherever in Greece slaves were private property, they were the subject of sale. They frequently constituted a part of the dowry of a daughter upon her marriage.<sup>5</sup>

The manual labor was almost entirely performed by slaves. The working of the mines, of the oars of the vessels, of the fields, of the machinery, was chiefly performed by them.<sup>6</sup> It is said, that, when from old age they became useless, they were abandoned in their misery; but I have not been satisfied, from the evidence, that this allegation is well founded.<sup>7</sup>

It is unquestionably true, that the laws governing slavery were more rigid than the practices of the community. Wallon, speaking on this subject, says, "Mais la loi est moins puissante que les mœurs, et les mœurs grossières encore, n'étaient point communément cruelles."<sup>8</sup> It is also true, that generally the slaves were

<sup>1</sup> Plautus, *Casina*; Wallon, tom. i, 290.

<sup>2</sup> Wallon, tom. i, 324.

<sup>3</sup> Wallon, *Ibid.*; Plato, *De Leg.* xi, 937; Plautus, *Truculentus*, Act. IV, Sc. iii; Dem. in *Onet*, i, 874.

<sup>4</sup> Wallon, tom. i, 293; Plautus, *Aulul.* III, Sc. v, 422.

<sup>5</sup> Clytemnestra's dowry; in *Iphigenia in Aulis*; Eurip.

<sup>6</sup> Becker's *Charicles*, 280.

<sup>7</sup> Wallon, tom. i, 332.

<sup>8</sup> *Histoire de l'Esclavage*, &c., tom. i, 81, 291, 334.



coarse and vulgar, incapable of noble feelings, their chief praise being their freedom from crime.<sup>1</sup>

For offences committed by the slave, corporal punishments alone were inflicted. If the offence was worthy of death, it could be inflicted only by process of law, and not by the friends, as the avengers of blood, nor by the master.<sup>2</sup>

Manumission of the slave was allowed in all the Grecian states. The effect of this manumission differed according to the manner and circumstances attending it. The manumitted slave, at Sparta, did not become a citizen thereby, nor was he even entitled to the privileges of a *Perioikos* without a special grant for this purpose, from a *Perioikic* township.<sup>3</sup> At Athens he came under a double tutelage. He occupied, in the state, the position of a *metic*, or alien resident. As to his former master, he became his client, and lived under his patronage. His condition was intermediate the slave and the citizen, tending rather to the former. In order to become a citizen, he must be *adopted* by the vote of an assembly of at least six thousand citizens.<sup>4</sup>

It is supposed, by some, that the slave could force the master to manumit him upon the payment of a certain price. The authorities cited in favor of this view, are not sufficient to warrant this conclusion, in the silence of so many other writers.<sup>5</sup>

<sup>1</sup> Becker's *Charicles*, Exc. Sc. vii, p. 279.

<sup>2</sup> Becker's *Charicles*, Exc. Sc. vii, p. 278, gives a full description of the various fetters and machines used. Wallon, i, 316, et seq.; Eurip. *Hec.* 287, 288.

<sup>3</sup> Grote's *Hist.* vol. ii, 379; Dion. Chrysos. *Orat.* xxxvi, p. 448, b.

<sup>4</sup> Wallon, i, 345, 350. There is some doubt whether even then he was entitled to the full privileges of citizenship; 351-2. The privilege seems to have been voted so freely and frequently as to have been a matter of complaint; 353. See also Smith's *Dict.* "*Libertus*."

<sup>5</sup> Plautus. The expression of Olympio, "Why do you frighten me about liberty? Even though you should oppose it, and your son as well, against your will and in spite of you both, for a single penny, I can become free." Act II, Sc. v.; Dion. Chrysos. xv, 240, 241.

## CHAPTER VI.

### SLAVERY AMONG THE ROMANS.

IN the earlier days of Rome, during the reign of her kings, and the beginning of the republic, slavery, though it existed, occupied an unimportant place in the political and domestic economy. The Romans, in this heroic age, were a rude, martial people, their greatest wealth being their land (hence *locuples*, a rich man), their source of revenue their flocks (*pascua*), and their very name for money (*pecunia*), having cattle for its root.<sup>1</sup> In their organization, however, were elements whose fruits must eventually be slavery. These elements were their spirit of conquest, the unlimited paternal power, and generally that devotion to and tendency towards the development of the principle of "power," which formed the basis of all her institutions, and the secret of her unparalleled success. In these, we find the fruitful sources of that slavery which, in the later days of the republic, and under the emperors, held in bondage so large a portion of the subjects of the Roman power. We will consider more minutely these sources.

And first of the paternal power. This was without parallel among civilized nations. "Nulli enim alii sunt

<sup>1</sup> Plin. Nat. Hist. xviii, 3 ; South. Quart. Rev. vol. xiv, Oct. 1848, art. 4, p. 391, Slavery among the Romans. This article is supposed to be from the pen of Judge Campbell of the Supreme Court of the United States. From the known ability and accuracy of its author, I have not hesitated to use it freely in the preparation of this sketch.

homines qui talem in liberos habeant potestatem, qualem nos habemus.”<sup>1</sup> The potestas vitæ et necis, the power to expose the infant without liability to punishment, the power to sell into slavery, these were the legitimate elements of the paternal power. It was not until the days of Constantine, that the exposure and abandonment of infants became penal; and a decree of Diocletian contains the first formal denial of the power of sale, though Troplong suggests, that the influence of Christianity had rendered the usage obsolete before that time.<sup>2</sup> Children thus sold became absolute slaves, without the power of redemption, either in the parent or themselves.<sup>3</sup> It was otherwise of children exposed. The preserver held them subject to reclamation. Many instances are given of such reclamations.<sup>4</sup>

Another internal source of slavery was the power of the debtor, either to sell himself directly into slavery, or to pledge his body (*nexus*) for the payment of his debt. In default of payment, he was, after a certain time of imprisonment, taken for three successive days before the prætor, and payment demanded. He was then ordered to be sold, out of the city, and became what was called *addictus*.<sup>5</sup> Though the debtor thus lost his liberty, he was not in precisely the same situation with an ordinary slave. He could not be killed by his master, but might claim the protection of the law as a freeman; could inherit property, and retain his name. “Ad servum nulla lex pertinet; addictus legem habet. Propria liberi, quæ nemo habet, nisi liber, prænomen, nomen, cognomen, tribum, habet hæc addictus.”<sup>6</sup> And again, the slave when manumitted, became a “*libertinus*.” The *addictus*

<sup>1</sup> Gaius Inst. Com. i, 55.

<sup>2</sup> Influence du Chr. sur le droit civil, pt. ii, ch. ii.

<sup>3</sup> Wallon, Esclav. dans l'Antiq. tom. ii, p. 21.

<sup>4</sup> Plin. Epist. x; Suet. De Illustr. Gram. 21; Wallon, as above.

<sup>5</sup> Wallon, ii, 23; Becker's "Gallus," 201.

<sup>6</sup> Quinctil. vii, 3, § 27; Arnold's Hist. of Rome, ch. xxvi, p. 224.

became a citizen (*ingenuus*). The slave, without the consent of his master, could not obtain his liberty. The *addictus solvendo*, by redeeming his price, could demand his release.<sup>1</sup>

The purchaser took with the debtor, all that belonged to him, and hence his children, unless previously emancipated from the paternal power, went into slavery together with their father. This power of the creditor over the debtor, caused frequent disturbances, and was much weakened by the Licinian laws.<sup>2</sup> Its final abrogation happened in this wise: A young man, Caius Publilius, of extreme youth and beauty, surrendered his person for his father's debt, to one Papirius, a cruel usurer. He, excited with lust, approached the youth with impure discourses; and then by threats, and finally by stripes, endeavored to compel his assent. With the marks of the scourge upon him, the young man rushed into the street. A large concourse of people gathered around him in the forum, and from thence in a body went to the Senate-house. The consuls called the Senate, and as each senator went in he was shown the lacerated youth and told the tale of cruelty. The consequence was, a law abolishing this penalty upon the insolvent debtor.<sup>3</sup>

Another internal source of slavery was the penalty for violating various laws. The person who withdrew himself from the census, or who avoided military service, the open robber, and the free female who maintained sexual intercourse with a slave, severally forfeited their freedom.<sup>4</sup> After the battle of Cannæ, the dictator, pressed by the necessity, offered liberty to all such as

<sup>1</sup> Ibid. Wallon, ii, 24, 25.

<sup>2</sup> Arnold's Hist. ch. xxvi.

<sup>3</sup> Livy, Bk. VIII, § 28.

<sup>4</sup> So. Quart. Rev. xiv, 393; Wallon, ii, 31, 32; Gaius, iii, 189. The latter was by *senatus-consultum Claudianum*. For its provisions, see Smith's Dictionary. The master of the slave might relieve her of the penalty by consenting to the cohabitation.

would enrol as soldiers. Six thousand availed themselves of this offer.<sup>1</sup>

The most fruitful sources of slavery were the continual wars of the Romans. The number of captives brought home into slavery appears sometimes incredible. It became common to release them sometimes upon the field for a ransom. A small tax was laid upon such contracts, and the revenue derived therefrom was very considerable. The captives were divided with the spoils upon the battle-field, and each soldier provided for the slaves allotted to him. Hence, it became common for the slave-dealers (*mangones*) to accompany the army for the purpose of purchasing the captives. The prices at such times became very trifling, sometimes as small as four drachmæ, about seventy-five cents, federal currency. Every nation of the then known world, as it bowed its head before the Roman Eagle, yielded at the same time its beauty and sinew to satiate the appetite and perform the labor for its victorious master. According to Josephus, 97,000 captives followed the destruction of Jerusalem. Africa, Asia, Greece, Germany, Gaul, and even Britain, brought their quota to swell the mighty mass. The valley of the Danube for a long time furnished the greater number, and gave the generic name of Scythian and afterwards slave (*scilavi*) to the whole class.<sup>2</sup>

While the Roman arms subdued the land, and destroyed the marine of all rival nations, yet Rome at no period of her history sought to become powerful upon the sea. This was then truly an unoccupied ocean, and numberless pirates soon took possession of the Mediterranean. The prisoners taken by these robbers of the sea, were made profitable booty in the Roman slave-

<sup>1</sup> Livy, xxiii, 14; Wallon, ii, 31, 2.

<sup>2</sup> Wallon, ii, 32-40; So. Quart. Rev. xiv, 394; Smith's Dict. of Gr. and Rom. Ant. "Servus," Roman; Plautus, "Captivi," Prologue; Henry's Hist. of Eng. ii, p. 225.

market; and hence, piracy is to be numbered among the fruitful sources of Roman slavery. It is said that the Cilician pirates imported and sold as many as 10,000 slaves in one day.<sup>1</sup> Men of the highest rank in Rome engaged in this honorable calling (*metier honorable*), and they constituted a powerful organization, threatening the security of the citizen himself.<sup>2</sup> Upon the land they built gaols, in which they secretly confined their victims, many of whom were kidnapped upon Roman territory.<sup>3</sup>

The tyranny of the Roman proconsuls in levying and collecting the tribute was another abundant feeder of the slave-market. Unable to respond to the heavy exactions, they borrowed money at exorbitant usury. The protection of the debtor in the city was not extended to the provinces, and hence, in a few years, numbers were sold into slavery. When Marius demanded a quota of troops from the King of Bithynia, his reply was, that his kingdom was depopulated by this process of exaction, extortion, and sale.<sup>4</sup>

The children of slaves always followed the condition of the mother; and hence the maxim of the law, "*servi nostri nascuntur aut fiunt.*" The breeding of slaves, until the latter days of Rome, was encouraged, it being cheaper to rear than to buy. For this reason a kind of marriage relation (*contubernium*) was recognized among them.<sup>5</sup>

Under the oppressions of the Empire of Rome, so great was the abhorrence of the citizens to holding the

<sup>1</sup> Strabo, xiv, 664-8; Smith's Dict. as above; Wallon, ii, 44, 45.

<sup>2</sup> Ibid. For an account of the power of the pirates and its final overthrow, see Plutarch's Life of Pompey.

<sup>3</sup> Wallon, ii, 47, 8.

<sup>4</sup> Diod. Fragm. xxxvi, iii, 1; So. Quart. Rev. vol. xiv, 394; Wallon, ii, 44.

<sup>5</sup> So. Quart. Rev. xiv, 400; Wallon, ii, 209; Plut. Cato, the Censor. Columella, in his work De re rust., recommends that a female slave, the mother of three children, should be relieved from hard work, and, for a greater number, should be granted her liberty; i, 8, 18.

civil offices of the government, that many voluntarily subjected themselves in preference to a state of slavery.<sup>1</sup>

Slaves constituted an important article of commerce, and also of revenue, in the tariff laid upon their importation and exportation, and also upon their sale. Carthage itself dealing largely in slaves, working the mines of the Peninsula exclusively with their labor, carried on a brisk trade in them. Delos and Chios also were slave-marts. But Rome was the centre of the trade, and the slave-market at Rome gives us the most perfect idea of its extent and variety. Slaves of peculiar beauty and rarity were kept separate and apart, and sold privately. The slaves generally were sold at auction, standing upon a stone, so that they might be closely scrutinized. Frequently they were stripped naked, to avoid the cheats the dealers were noted for practising. Sometimes the advice of medical men was obtained.<sup>2</sup> Newly imported slaves had their feet whitened with chalk.<sup>3</sup> Those from the East had their ears bored. All of them had a scroll (*titulus*) suspended around the neck, giving their ages, birthplace, qualities, health, &c., and the seller was held to warrant the truth of this statement. He was bound to discover all defects, especially as to health, thievishness, disposition to run away, or to commit suicide.<sup>4</sup>

If the seller was unwilling to warrant, instead of the *titulus*, he placed a cap (*pileus*) upon the head of the slave, and exposed him thus.<sup>5</sup> A crown upon the head indicated a captive taken in war.

The seller would cause the slave to run, leap, or perform some other act of agility. They possessed the art of causing their limbs to look round and their flesh

<sup>1</sup> Edwards's Eccl. Journ. § 18.

<sup>2</sup> Claudian in Eutrop. i, 35.

<sup>3</sup> Juv. i, 111 ; vii, 10.

<sup>4</sup> Cic. de Off., iii, 17 ; Aul. Gell. iv, 2 ; Smith's Dict. "Servus" (Roman) ; Wallon, ii, 53.

<sup>5</sup> Gell. vii, 4.

young, and to retard the appearances of age.<sup>1</sup> They vaunted loudly the praises of their good qualities. Varro and Seneca, Pliny and Quintilian give warnings, to the purchasers, of these arts, and rules of recommendation for their protection. Still the sellers succeeded in defrauding, and finally an edict declared, "that those who sell slaves must acquaint the purchaser with the diseases and vices of each, and declare whether he has been a runaway or vagabond, or the contract of sale will be avoided. These declarations must be made publicly and aloud before the sale. If a slave is sold contrary to these stipulations, or if he does not answer to the things affirmed or promised when he was sold, the purchaser or his assigns may rescind the sale. Moreover, if the slave has committed any capital offence, or has attempted suicide, or has fought with wild beasts in the arena, it must be made known at the sale, or it can be avoided."<sup>2</sup>

Slaves newly imported, were preferred for labor. Those who had served long were considered artful.<sup>3</sup> The pertness and impudence of those born in the master's house were proverbial.<sup>4</sup> The nativity of the slave gave some indication of his qualities. Thus, the Phrygian was timid; the African vain; the Cretan mendacious; the Sardinian unruly; the Corsican cruel and rebellious; the Dalmatian ferocious; the Briton stupid; the Syrian strong; the Ionian beautiful; the Alexandrian accomplished and luxurious.<sup>5</sup>

Dealing in slaves was, nevertheless, considered a degrading occupation. They were denied even the name

<sup>1</sup> Wallon, ii, 56. Hence, *mangozinare*, from *mangones*.

<sup>2</sup> Wallon, ii, 57, 8. A vast number of questions arose under this edict as to what was a defect. For some of them see Wallon, as above. For the manner in which the auctioneer communicated the vices, but at the same time covered them up with praises, see Horace, Epist. ii, 2.

<sup>3</sup> Terence, Heaut. v, 16.

<sup>4</sup> Hor. Sat. ii, 6, 66.

<sup>5</sup> Wallon, ii, 64, 65; So. Quart. Rev. xiv, 394; Juvenal, v. 73; Cic. ad Att. Lib. iv, 16.



of merchants (*mercatores*), but were called *mangones*. They amassed large fortunes, yet they had not the confidence of the community. Plautus makes his chorus speak of their faithlessness and dishonesty.<sup>1</sup> It seems there was, and ever has been, something in the prosecution of this traffic, which either repels the good man, or else deadens his sensibility, and soon destroys his virtue.

To attest the early day at which the negro was commonly used as a slave at Rome, the following description of a negress, written in the second century, serves well :

“Interdum clamat cybalen ; erat unica custos.  
Afra genus, tota patriam testante figura,  
Torta comam, labroque tumens et fusca colorem,  
Pectore lata, jacens mammis, compressior alvo,  
Cruribus exilis, spatiosa prodiga planta,  
Continuis rimis calcanea scissa rigeabant.”<sup>2</sup>

So Seneca : “Non est Æthiopis inter suos insignitus color, nec rufus crinis et coactus in nodum apud Germanos.”<sup>3</sup>

Originally, all the slaves of Rome were personal slaves. None were attached to the soil. All were the subject of removal and sale. When slavery, subsequently, gradually changed into serfdom, the contrary was true. There were, in Rome, public and private slaves. The former belonged to the state, and their condition was rather better than the other class. They possessed the privilege of willing one-half of their *peculium*. They were employed about the public buildings, and as attendants of the various officers. And also as lictors, jailors, execu-

<sup>1</sup> Curculio, IV, Sc. I ; Smith's Dict. “Servus” (Rom.) ; Wallon, ii, 50, 51.

<sup>2</sup> Quoted in Types of Mankind, 255 ; see also reference in same place to Virgil's description of field slaves.

<sup>3</sup> De Irâ, cap. iii.

tioners, watermen, &c.<sup>1</sup> There were also convict-slaves (*servi pœnae*), whose servitude was the penalty of some crime. These were treated with great rigor; and it is probable, much of the recorded cruelty to slaves was to this class.<sup>2</sup>

The private slaves were again distinguished into two classes, the rustic and the city slaves; any number of them, owned by the same master, were called *familia*. Hence, every master had the *familia rustica*, and the *familia urbana*. The private slaves were still farther subdivided, according to their occupations, and from these occupations they derived their names: such as *ordinarii*, *vulgares*, *mediastini*, and *quales quales*. The *literati*, were literary slaves.<sup>3</sup>

The number of Roman slaves, at any period, cannot be accurately ascertained. That they were very numerous, and more numerous than the free population, is indisputable, and that the numbers increased rapidly during the latter days of the republic and under the emperors. The numbers owned by a single individual are almost incredible.<sup>4</sup> They were chiefly employed in agricultural pursuits, or the mechanic arts.<sup>5</sup> Many, however, were, in these days, used as personal attendants; it being considered discreditable for a person of rank to be seen without a train of them.<sup>6</sup> From the moment a stranger entered the vestibule of a Roman house, through the hall, in the reception-room, at the table, everywhere

<sup>1</sup> Smith's Dict. "Servus;" So. Quart. Rev. xiv, 427; see Livy, xxvi, 47; Copley's Hist. of Slav. 45; Wallon, ii, 89, et seq.

<sup>2</sup> For a full inquiry into the penal slavery of the Romans, see Stephens's W. I. Slavery, i, 337, et seq.

<sup>3</sup> Wallon, ii, 95; Smith's Dict. "Servus;" Becker's Gallus, Exc. III to Sc. I.

<sup>4</sup> So. Quart. Rev. xiv, 396-7; Wallon, ii, 72, et seq.; Becker's Gallus, Exc. III, Sc. I; Athenæus says as many as 20,000, vi, p. 272; see Pliny, xxxiii, vi, 9-10; Juvenal, xiv, 305; Hor. Sat. Bk. I, iii, 11.

<sup>5</sup> Cic. de Off. i, 42; Liv. vi, 12.

<sup>6</sup> Cic. in Piso, 27; Hor. Sat. i, 3, 12.

he was attended by different servants, each taking their name from their particular occupation. The same system was developed in every part of the household. The female slaves were, in like manner, so distinguished; every conceivable want being attended by a separate slave. The nursery, especially, being furnished with midwife (*obstetrix*), guard, nurse, porters, &c. &c. The smallest service had its appropriate slave. Thus, the holding of the umbrella (*umbelliferæ*), the fan (*flabelliferæ*), the sandal (*sandaligerulæ*), gave names to particular slaves. So the arranging the dress, the setting of the teeth, and the painting of the eyebrows, required distinct attendants.<sup>1</sup> Seneca says, "Infelix qui huic rei vivit ut atilia secet decenter."<sup>2</sup>

The wife, upon her marriage, received always a confidential slave (*dotalis*). He belonged to her, the master having no control over him. He frequently had the confidence of the wife more than her own husband. He was sometimes called "*servus recepticius*," because, perhaps, he received and took charge of the paraphernalia of the wife.<sup>3</sup> For her footmen and couriers, the wife preferred always the negroes; and one reason given was because of the contrast of the skin and the silver plate suspended upon the breast, upon which was inscribed the name and titles of the mistress.<sup>4</sup>

Even the schoolboy was followed by his little slave (*vernula*, born in the house), to bear his satchel to the school.<sup>5</sup> The old and luxurious were borne in sedans or

<sup>1</sup> So. Quart. Rev. xiv, 400; Wallon, ii, 118, 145. It is probable that the same slave performed several of these offices though bearing different names: Ibid. 140, and authorities cited.

<sup>2</sup> Epist. xl, vii, 4.

<sup>3</sup> Plautus, Asin. Act I, Sc. i; Aul. Gell. Bk. XVII, vi; Wallon, ii, 116.

<sup>4</sup> Sen. Epis. lxxxvii, 8; Wallon, ii, 120; Mart. vii, 201; Becker's Gallus. Exc. III to Sc. i, 201.

<sup>5</sup> Juv. Sat. x.

chairs, by stout Mesian slaves ; while the wealthy made an ostentatious display of their means, by multiplying the number of their bearers (*lecticarii*).<sup>1</sup>

In addition to the common employments of slaves, they were frequently used in other spheres, where the labor was more or less intellectual. The literary slaves, those used as librarians and amanuenses, were of this class. So all the professions, now termed "learned," were not free from slave competition. "Physic" certainly was not. In every branch of trade and commerce slaves were employed by their masters as agents, and in many cases, sole managers and controllers.<sup>2</sup>

The Roman sports, corresponding to their tastes, were always rough and violent. The combat of the gladiators was more exciting and attractive than the pathos of tragedy, or the wit of the comic muse, though Terence and Plautus catered to their taste. To rear and prepare slaves for these dangerous and murderous conflicts, as well as for the fighting of wild beasts, became a common practice, especially under the emperors ; who encouraged these sports in the people, in order to disengage their thoughts from their own bondage. We should not, however, judge them too harshly for this cruelty, as frequently freemen, knights, senators, and even emperors, descended into the arena, and engaged in the fatal encounter.<sup>3</sup> Sometimes even women joined in the conflict.<sup>4</sup> Juvenal gives a graphic idea of the passion for this cruel sport, in the description of the horrid-looking

<sup>1</sup> Juv. Sat. vii, ix, 190, 200.

<sup>2</sup> Wallon, ii, 124 ; Plautus, *Menæchmi*, Act V, Sc. iii ; C. Nep. Pomp. Att. 13 ; So. Quart. Rev. xiv, 398-9. See Becker's *Gallus*, Exc. III to Sc. i, for a full and learned disquisition upon the various classes of slaves, their names, and occupation. It would seem as if, in the earlier days, medicine was not considered an honorable avocation with the Romans. Plautus does not hesitate to ridicule the whole fraternity (*Menæchmi*, Act V, Sc. i).

<sup>3</sup> Wallon, ii, 126-139 ; Smith's Dict. "Gladiatores ;" Livy, xxviii, 21 ; Suet. Jul. Cæs. xxxix.

<sup>4</sup> Suet. Dom. iv.

gladiator, for whose bed, simply on account of his profession, Hippias, the wife of a senator, abandoned her husband and her home.<sup>1</sup>

This training of the slave, rendered him indomitable and intractable. Hence, we find this particular class frequently in insurrections. In Sicily the servile wars assumed a more alarming aspect.<sup>2</sup>

The price of slaves in Rome varied very much at different times, and according to the qualities of the slave.<sup>3</sup> Under the empire, immense sums were paid for beautiful slaves, and such as attracted the whim of the purchaser. We have accounts of their selling from 100,000 to 200,000 sesterces (say five to ten thousand dollars).<sup>4</sup> In the time of Horace, 500 drachmæ (about one hundred dollars) was a fair price for an ordinary slave.<sup>5</sup> Eunuchs, clowns, or jesters, and pretty females, brought high prices.<sup>6</sup> Females generally sold for less than males.<sup>7</sup> Hannibal, after the battle of Cannæ, being burdened with his prisoners, suffered the knights (*equites*) to be ransomed at seventy-five dollars, the legionary soldier at fifty dollars, the slaves at twenty dollars.<sup>8</sup> Negroes, being generally slaves of luxury, commanded a very high price.<sup>9</sup> Juvenal declares, that a rich man could not enjoy his dinner unless surrounded by the dusky and active Moor, and the more dusky Indian.<sup>10</sup>

The status of the slave, in the Roman law, was literally as a thing and not as a person. Some, apparently paradoxical, rights were given to him, which we cannot here specifically repeat. His general status was "pro

<sup>1</sup> Satire, vi, 110.

<sup>2</sup> Smith's Dict. "Servus."

<sup>3</sup> For the prices in the time of Justinian, see Codex, L. vi, tit. 44, § 3; Wallon, ii, 160.

<sup>4</sup> Martial, iii, 62; xi, 70; Pliny, vii, x, 5, 6.

<sup>5</sup> Sat. ii, 7, 43.

<sup>6</sup> Martial, viii, 13; Plaut. Pers. Act IV, Sc. iv, 113.

<sup>7</sup> Smith's Dict. "Servus" (Roman).

<sup>8</sup> So. Quart. Rev. xiv, 398.

<sup>9</sup> Juvenal, v, 73.

<sup>10</sup> Sat. xi, 211.

quadrupedibus." He consequently could not be a party nor a witness in court, except in extreme cases, and then under torture.<sup>1</sup> He could acquire no property; his *peculium* being held only at the will of the master. Whatever he received, by gift or bequest from others, became immediately the property of his master. He lived, as it were, in the shadow of his master. To him, all his gains, his acts, and the very current of his life, tended. From him, he received support and protection. He was, like the son and all the household of the Roman, swallowed up in the master. The state recognized the citizen, and addressed its laws and its requirements to him. The master controlled, as he listed, the household of which he was the head and representative. Hence, the power to kill the son and the slave with impunity; a power recognized, as to the latter, until the days of Antoninus, when it was abolished.<sup>2</sup> By the same constitution, for cruel treatment, the master might be compelled to sell the slave, and the slave was empowered to make his complaint to the proper authority.<sup>3</sup>

Notwithstanding this unlimited power of the master, and the fact that there are recorded many instances of its cruel abuse,<sup>4</sup> yet other facts and circumstances impress

<sup>1</sup> Dig. xxii, § 5, De Testibus; Terence, Phorm. Act II, Sc. i, 292; Plant. Curcul. Act V, Sc. ii, 630; Juvenal, x, 100. It would seem from this passage that they testified with a halter around their necks.

<sup>2</sup> Wallon, Part II, ch. v, vi; Gaius, i, 52; Smith's Dict. "Servus." A constitution of Claudius also made the homicide of a slave murder. It farther provided that the exposure of an infirm slave gave him freedom; Sueton. Claud. xxv.

<sup>3</sup> Seneca, de Benef. iii, 22. According to Bodin, in commenting on this passage in Seneca, Nero was the first emperor who required of magistrates to receive the complaints of slaves against their masters. It would be a curious fact if the tyrant of the citizen was indeed the defender of the slave. Troplong, Influence du Christianisme, &c., 148.

<sup>4</sup> The cases of Flaminius, who killed a slave to gratify a guest who had never seen a man killed (Plutarch's Life of Flaminius), and of Polio, who fed his enormous fish upon the bodies of his slaves (Seneca, de Irâ, Lib. iii, ch. xl), are familiar to all who have read or heard of Roman slavery.

the belief that, as a general rule, the relation of master and slave was one of kindness and mutual regard.<sup>1</sup> This was peculiarly true of the urban slave, he that was always near his master.<sup>2</sup> The rustics, controlled by the villicus, and often unseen, for years, by the master, were doubtless more frequently subjected to oppression.<sup>3</sup> The claims of humanity were not entirely forgotten, nor overwhelmed by the more practical calls of interest. Hence, we find their moralists discussing clearly and fully such questions, as whether, in a famine, the master should abandon his slave? Whether, in the case of distress at sea, where the vessel must be lightened, should valuable property or valueless slaves be cast overboard?<sup>4</sup> It is true, that the elder Cato, in giving advice and directions as to the management of a farm, recommends the sale of old and infirm slaves.<sup>5</sup> Yet this is only the opinion of one man, and one noted for avarice—a passion which withers and blights the principle of humanity in any soul, and in any age of the world.<sup>6</sup> Certain it is, that we find the corpse of the deceased slave frequently interred in the same tomb with that of his master.<sup>7</sup> And the Roman satirist declares his preference to be a slave, and dig some great man's land, than to be the satiated votary of pleasure.<sup>8</sup>

<sup>1</sup> Plutarch tells of a faithful slave of Octavius whose eyes were torn out while he was defending his master from an incensed mob; Tib. Gracchus. Many such instances of fidelity and affection are recorded. See especially Seneca, *De Benef.* ch. iii; Valer. Max. Lib. vi, 8; Macrob. *Sat.* i, 11.

<sup>2</sup> Juvenal, describing the happy condition of a man "contented with little," compares it to that of the household slave. *Sat.* ix, 5.

<sup>3</sup> *Quart. Rev.* xiv, 401; Wallon, ii, 204, et seq. 213; Copley's *Hist. of Slavery*, 45; Smith's *Dict.* "Servus."

<sup>4</sup> Cic. *De Offic.* iii, 23.

<sup>5</sup> *De Re Rust.* ii.

<sup>6</sup> Plut. Cato, the Censor, *passim*.

<sup>7</sup> Wallon, ii, 213. He refers to the work of Gruter, *Sect.* "Affectus dominorum et patronorum erga servos et libertos." I regret that this work is not within my reach. See also Smith's *Dict.* "Servus;" Dig. Lib. xi, tit. 7, § 31.

<sup>8</sup> Juvenal, ix, 25.

According to Horace, they joined their masters in offering up prayers and thanksgivings to the Gods.<sup>1</sup> In the earlier days, they partook of their meals in common with their masters, though not at the same table, but upon little benches (*subsellia*), placed at the foot of the *lectus*.<sup>2</sup> This habit was probably continued in such portions of the republic, where the proprietors of small farms overlooked and managed them for themselves.

While the law recognized no property of the slave, yet his *peculium*, as well as all property he acquired by gift or by finding, were secured to him by public opinion and natural justice.<sup>3</sup> Hence, we find slaves frequently purchasing their freedom; nor was a Roman audience shocked in hearing a master entreat his own slave for a loan of money, and finally to secure his end, hoist him upon his back, and submit to be kicked and jeered at by his own slave.<sup>4</sup> Frequently they became very rich. Juvenal scourges the respect paid to money, by referring to the fact that a freeman felt honored by the company of a slave *if only* rich.<sup>5</sup>

The Romans, in later days, had no asylums, or places of refuge, for slaves flying from the cruelty of their masters; and such fugitives were harshly treated, being branded and forced to work in chains. The master could pursue him anywhere, and all officers and authorities were required to give him aid. A class of persons called *Fugitivarii*, made it their business to recover runaway slaves.<sup>6</sup> We have already noticed the provisions

<sup>1</sup> Epist. Bk. II, i, 142.

<sup>2</sup> Plut. Coriol. 24; Smith's Dict. "Servus;" Sen. de Tranquil. ii, 15; Plaut. Captivi, iii, i, 11.

<sup>3</sup> Terent. Phorm. Act I, Sc. i, 9; Seneca, Ep. 80; Plaut. Rudens, Aulularia.

<sup>4</sup> Plaut. Asinaria, Act III, Sc. ii, iii.

<sup>5</sup> Sat. iii, 150.

<sup>6</sup> Wallon, ii, 243; Smith's Dict. "Servus;" Plautus, Most. Act. IV, Sc. i. Death was sometimes the punishment of fugitives. They were sometimes thrown among wild beasts. Polybius, Lib. i; Lactantius, Lib. v, cap. 18; Val. Max. Lib. ii, cap. 6.



of the Constitution of Antoninus to protect the slave from the cruelty of the master.

There were certain feasts during which the slaves were abandoned to perfect liberty ; of these the most remarkable were the Saturnalia, when such perfect equality existed that the master waited on the slave at the table. This feast was in the latter part of December, and lasted seven days.<sup>1</sup> Another was the feasts in honor of Servius Tullius, the sixth king of Rome, he being himself the son of Ocrisia, a captive and a slave. These lasted from the Ides of March, the date of his birth, to the Ides of April, the date of his inauguration of the temple of Diana.<sup>2</sup>

The Compitalia, a feast in honor of the Lares, or Household Gods, was also a season of liberty to the slaves. Augustus established an order of priests, to attend to their worship, called Augustales. These were selected from the *libertini*, or freedmen.<sup>3</sup>

The intimate relation between the slaves and their masters, may be gathered from many other allusions in the Roman authors. Juvenal gives, as the especial reason for leading an upright life, "that you may be able to despise your servants' tongues. For bad as your slave may be, his tongue is the worst part about him. Yet worse are you when you place yourself in his power."<sup>4</sup> The too intimate relation between the slave and the mistress, which sometimes existed, did not escape his observing eye, or his lashing pen.<sup>5</sup> A gilded bed, he said, seldom witnessed childbirth ; but he consoles the childless husband with the reflection, that if

<sup>1</sup> Macrob. Saturnal. ; Niebuhr, Hist. of Rome, vol. i, p. 319. Horace gives an amusing account of an interview between himself and one of his slaves on the occasion of the Saturnalia. Satires, Bk. II, Sat. vii.

<sup>2</sup> Wallon, ii, 235-6. The origin of the name "Servus" is attributed by some to "Servius."

<sup>3</sup> Dion. iv, 14 ; Macr. Sat. i, 7 ; Smith's Dict. "Compitalia."

<sup>4</sup> Sat. ix, 86.

<sup>5</sup> Sat. vi, 300.

the child was allowed to be born, he would be "the sire perchance of an Ethiopian—a blackamoor would be his sole heir."<sup>1</sup>

There were, doubtless, instances of great cruelty exhibited towards slaves—such as justified partially the picture drawn by the satirist of the haughty and overbearing wife compelling her husband to crucify an innocent slave: "Crucify that slave!" "What is the charge, to call for such a punishment? What witness can you produce? Who gave the information? Hark! where man's life is at stake, no deliberation can be too long." "Idiot! so a slave is a man then! Let it be that he has done nothing. I *will* it!—I *insist* on it! Let my will stand instead of reason."<sup>2</sup> Nevertheless, with the humane at least, the assurance of Trimalchio to his guests was believed and observed. "*Amici et servi homines sunt, et æque unum lacten bibunt.*" Hence, we find the great moralist announcing, "*Cum in servum omnia liceant, est aliquid, quod in hominem licere, commune jus vetet.*"<sup>3</sup>

<sup>1</sup> Sat. vi, 700.

<sup>2</sup> Juvenal, Sat. vi, 219, rendered thus by Gifford:

" 'Go crucify that slave!' 'For what offence?  
Who the accuser? Where the evidence?  
For when the life of man is in debate,  
No time can be too long, no care too great.  
Hear all, weigh all with caution, I advise.'  
'Thou sniveller! Is a slave a man?' she cries.  
'He's innocent—be't so—'tis my command,  
My will—let that, sir, for a reason stand' "

All the descriptions of Juvenal are exaggerated of course. Satire deals in hyperbole, and requires only a substratum of truth. The descriptions he gives of the lewdness and corruption of the Roman women, if literally true, would be a more awful picture than that of the slaves. Sat. vi, *passim*.

This cruelty on the part of the master frequently and usually rebounded on himself in the vengeance of the slaves. Pliny gives a striking instance of this. Epis. iii, 14.

<sup>3</sup> Sen. de Clem. i, 18.

The punishments inflicted upon slaves for offences were various, and some very severe. They necessarily differed from those prescribed for the same offences when committed by freemen. Minor misdemeanors were submitted to the correction of the master.<sup>1</sup> The courts took cognizance only of graver charges, and even of these the master seems to have had concurrent jurisdiction.<sup>2</sup> The removal of the urban slave into the *familia rustica*, was a mild and yet a much-dreaded penalty. In such cases they worked in chains.<sup>3</sup> The handmill (*mola pistrinum*) was also a place of punishment, and its constant working became sometimes severe. Thus asks the slave in the *Asinaria*, "Will you send me there where stone grinds stone?"<sup>4</sup> Sometimes they were scourged, after being suspended with manacles to the hands and weights fastened to the feet.<sup>5</sup> Another mode of punishment was a wooden yoke (*furca*) upon the neck, and bound to the arms on either side.<sup>6</sup> Upon every Roman farm was a private prison (*ergastulum*), in which refractory slaves were confined. A trustworthy slave was the keeper. They were abolished in the time of Hadrian.<sup>7</sup> Sometimes extraordinary and cruel punishments were resorted to; such as cutting off the hand for thefts, and death by the cross. These, however, were very rare.<sup>8</sup>

<sup>1</sup> Cato, the Censor, upon his farm, instituted a kind of jury trial among the slaves themselves, and submitted to them the guilt and the punishment. Copley's Hist. of Slavery, 44.

<sup>2</sup> This is inferrible from a passage in Horace, where he represents himself as the judge of his slaves, even in cases of theft or murder. See Stephens on West India Slavery, 341. Dig. Lib. xi, tit. 4, sect. 5.

<sup>3</sup> Plautus, *Mostel*, Act I, Sc. i.

<sup>4</sup> Plaut. *Asin.*, Act I, Sc. i. See also *Odyssey*, vii, 104. Cato, *De re rust.* 56; Matthew 24 : 41.

<sup>5</sup> *Asinaria*, Act II, Sc. ii.

<sup>6</sup> Plautus, *Casina*, Act II, Sc. ii; Mil. Act II, Sc. iv; *Mostel.* Act I, Sc. i; Dig. Lib. 48, tit. 13, § 6.

<sup>7</sup> *Columel.* i, 8; *Gaius*, i, 53; *Juv.* viii, 180.

<sup>8</sup> Plaut. *Epid.* Act I, Sc. i, ii; *Hor. Ep.* i, 16, 17; *Senec. De Irâ*, iii, 40.

In every slaveholding state, the intimate terms of companionship of the master and slave necessarily give the slave frequent opportunity for committing violence upon the master unknown to any other person. To protect the master, the Roman law was very stringent, and provided that, where the master was found murdered in his house, and no discovery of the perpetrator, *all the domestic slaves* should be put to death. This law necessarily could be enforced very rarely, as the slaves would discover themselves the murderer in their midst. However, we find that on some occasions, it was enforced rigorously—we might almost say barbarously.<sup>1</sup>

Instances of *manumission* were very frequent among the Romans. This could be effected in various ways, and the effects of it differed under different circumstances. In all cases, the enfranchised slave continued to serve his former master, who became his patron. Thus, in the *Menæchmi*, the freedman addresses his former master, “My patron, I do entreat that you won’t command me any the less now, than when I was your slave. With you will I dwell, and when you go, I’ll go home with you.”<sup>2</sup>

Liberty was sometimes granted the slave by way of reward for discovering the perpetrators of certain crimes.<sup>3</sup> The enjoyment of liberty for a certain time barred the master’s right, it being included within the *præscriptio temporis*.<sup>4</sup> On the contrary, no length of illegal bondage deprived the slave of the privilege of asserting his right to liberty.<sup>5</sup>

If the freedman conducted himself ungratefully towards his patron, he was reduced to his former state of slavery.<sup>6</sup>

<sup>1</sup> Tac. Ann. xiv, 41 ; Cic. ad Fam. iv, 12.

<sup>2</sup> Plautus, *Menæchmi*, Act IV, Sc. vi.      <sup>3</sup> Code Theod. tit. 21, § 2.

<sup>4</sup> Code Theod. tit. 14 ; Bk. VII, tit. 39, § 3.      <sup>5</sup> Gaius, ii, 48.

<sup>6</sup> Sueton. Claudius, xxv. This rule seems not to have obtained in the time of Nero (see Tac. Ann. xiii, 27), but was restored under the later emperors. Dig. Lib. xi ; tit. 9, § 30.

He was bound to support his patron, and the children of his patron if necessary; and to undertake the management of his property and the guardianship of the children.<sup>1</sup> *E converso*, the patron lost all of his rights, if he failed to support his freedman, in case of necessity. These patronal rights were very considerable, especially in relation to the succession to the property of the freedman.<sup>2</sup> By a decree of the emperor declaring the *libertus* to be *ingenuus*, the patronal rights were not destroyed. This change was denominated "jus annuli aurei," from the fact that the *ingenui* alone had the right of wearing the gold seal-ring. That of the *liberti* being of silver, and the slaves of iron.<sup>3</sup> If, however, the form of proceeding, entitled *natalibus restitutio*, was adopted to confer perfect freedom on the *libertus*, this took away the patronal rights, because, by the fiction, the freedman was restored to his natural rights of liberty.<sup>4</sup>

In some cases, by the act of *manumission*, the slave became a Roman citizen at the same time that he became a freedman. In other cases he became only a *Latinus* or *Latinus Junianus*, so called from the fact that the *Lex Junia* declared and defined the rights of such persons, and placed them on the same footing with colonized citizens—*Latini coloniarii*.<sup>5</sup> In various ways the *Latinus* could obtain the rights of citizenship. The *Lex Aelia Sentia*, prescribed the formalities necessary to effect this object.<sup>6</sup> There was still a lower class of freedmen, but a little elevated above slaves, termed *Dedititii*. They took the name, and their status was the same with the *peregrini dedititii*, or persons subdued by the Roman

<sup>1</sup> Dig. Lib. xxxvii, tit. 14, § 19.

<sup>2</sup> Smith's Dict. "Patronus."

<sup>3</sup> Smith's Dict. "Annulus;" Isidorus, xix, 32; Dig. Lib. xl, tit. 10, § 5. St. James alludes to this in ch. ii, v. 2.

<sup>4</sup> Dig. Lib. xl, tit. 11.

<sup>5</sup> Smith's Dict. "Libertus;" Gaius, iii, 56. The *Latinus* had not the power of making a will, nor of taking under a will. Gaius, i, 24.

<sup>6</sup> Gaius, i, 28.

arms, and submitting to their conquerors unconditionally. They were not slaves, but had not political existence. The *Lex Aelia Sentia*, adopted in the time of Augustus, declared all manumitted slaves to be *Dedititii*, who, previous to manumission, had been in bonds, or branded, or put to torture, or fought with wild beasts, or as gladiators.<sup>1</sup> This law seems to have been framed to protect the state from the too frequent and unlimited use of the power of manumission in the master. Hence, one of its provisions, that slaves manumitted under the age of thirty years became Roman citizens only when a legal ground (*justa causa*) for such manumission had been made to appear before the *Consilium*, a tribunal appointed especially for this purpose, and which held sessions at stated times, in the provinces and at Rome.<sup>2</sup> Other restrictions on manumission were prescribed by this law, as to masters under the age of twenty years; and where the act was done with a view to defraud creditors.<sup>3</sup> Constantine abolished almost all the formalities necessary for manumission, and gave to the freedman in every case the privileges of Roman citizenship. What was left undone by him Justinian completed, and opened wide the doors and added greatly to the inducements for general emancipation.<sup>4</sup>

The condition of the freedman in the earlier days of Rome differed but little from that of the slave. "*Liber-tis, quibus illi non multum secus ac servis imperabant.*"<sup>5</sup>

There were instances, however, of freedmen and their

<sup>1</sup> Gaius, i, 13; Smith's Dict. "*Dedititii.*"

<sup>2</sup> Gaius, i, 19, 20.

<sup>3</sup> Ibid. Smith's Dict. "*Lex Aelia Sentia.*"

<sup>4</sup> Constitutions of Constantine. Justinian's Institutes. See Troplong, *Influence du Christianisme*, &c., 159, et sq.

<sup>5</sup> Cic. ad Quint. The suit to obtain freedom, was called "*proclamare ad libertatem.*" Cicero is related by Plutarch to have perpetrated a pun upon this word. A person suspected of having been once a slave, was speaking boisterously in the Senate. "*Nolite mirari,*" said Cicero to the bystanders, "*quia unus est ex iis, qui olim proclamaverunt.*"

descendants attaining eminence and distinction among the Romans. Servius Tullius, "the last of the good kings," was the son of a bondmaid.<sup>1</sup> Vindicius, who gave to the Conscript Fathers notice of a secret treason, himself a slave, was mourned publicly by the Roman matrons at his death, as Brutus had been.<sup>2</sup> Terence, a captive slave, born near Carthage, became the delight of Roman audiences, through his graceful comedies.<sup>3</sup> And Horace was not ashamed to acknowledge himself the son of a freedman.<sup>4</sup>

There existed no reason why this result should not follow. The captives brought to Rome were of races intellectually equal; in cultivation, superior to their Roman masters. Slavery was, to them, an unnatural condition. The inferior should serve the superior, and the reverse is a violation of nature.

The precise time when slavery, property in the person, ceased to exist among the Romans, cannot be fixed with certainty. It was never abolished *formally*, by statute or decree. Circumstances combined to work a gradual change in the system, from slavery to serfdom.<sup>5</sup> Rome entered into the turbid flood of the dark ages weighted with slavery. When she emerged again, so that history

<sup>1</sup> Liv. i, 39; Juvenal, Sat. viii. Thus rendered by Gifford:

"And he who graced the purple which he wore,  
The last good King of Rome, a bondmaid bore."

<sup>2</sup> Juv. viii, ad finem; Liv. ii, 7. Livy derives from his name "*vin-dicta*," the rod of manumission—used on occasions of manumitting slaves.

<sup>3</sup> Life, &c., Terence, prefixed to his plays.

<sup>4</sup> Sat. vi. He did not hesitate, however, to speak scornfully of the low birth of a freedman, who was made a military tribune. Carmina, Lib. v, Ode iv.

<sup>5</sup> M. Wallon, speaking of slavery under the empire, says: "L'homme libre devient moins libre, il est moins maître de lui et des siens; et par contre-coup, l'esclave n'a pas changé en droit: il n'a pas plus de liberté, mais il a moins de dépendance; et le même mot finira par couvrir deux états fort différens, l'esclave et le serf, servus." Part iii, ch. iii, 121.

could mark her appearance, serfdom was substituted in its place. The causes which produced this result, are matters mostly of speculation. A few we may clearly perceive. The supremacy of the barbarian conquerors, unused to luxury, and eschewing even the comforts of civilized life. The common bondage into which their conquest threw both master and slave. The stagnation of commerce, and all other channels of industry. These, and concurrent causes, rendered the slave valueless in the market, and a burthen to the master. The support of the aged and infirm and infants, was without corresponding benefit, when the labor of the strong and healthy barely provided for his own necessities. The renunciation, by the master, of his rights and power, became therefore a matter of *interest*,—a much stronger motive, according to man's history, than *humanity* and *charity*.

Many have sought to discover in Christianity, and its pure and holy precepts, a sufficient explanation for the extinction of slavery. That it contributed to this object is undoubtedly true; and many masters felicitated themselves upon the charitable act of manumitting their slaves, when those slaves had ceased to be useful. Habit possibly would have continued the system a while longer, and Christianity, to this extent, shortened its duration. To the truly pious and zealous, imbued with the doctrine of the equality of all men before the bar of God, who is no respecter of persons, and that every man is a brother, to whom we should act as we would have him, under similar circumstances, to act towards us, the slavery of Rome must have appeared sinful, and inconsistent with their professions of universal charity. Alexander Severus caused this golden rule to be inscribed not only upon the walls of his own palace, but also upon all the public edifices.<sup>1</sup> Constantine, by taking away the restraints

<sup>1</sup> Lamp. in Vitâ Alex. Sev. 350; Troplong, Influence du Christianisme, &c., 87.



upon manumission, and giving additional privileges to those manumitted *in ecclesia*, by enforcing, with stern penalties, the humane treatment of slaves, and adopting in his laws the Christian principle of brotherhood, has received from M. de Chateaubriand the praise of having “*affranchi tout d’un coup une nombreuse partie de l’espèce humaine.*”<sup>1</sup>

Yet the same Emperor forbade the marriage of the *curiales* with slaves, under penalty of the woman’s being condemned to the mines, and the man to perpetual banishment, with confiscation of all his movable goods and city slaves to the public, and all his lands and country slaves to the city of which he was a member.<sup>2</sup>

The true agency of Christianity in effecting the destruction of Roman slavery, is more accurately described by M. Troplong: “It is the feudal age, which, at a later period, has had the eternal honor of having restored to liberty the lower classes, oppressed with the yoke of slavery. To arrive at this great result, it was necessary that Christianity, penetrating profoundly the heart, had humanized the masters to a high degree; and that the *general interests* had been brought, by a happy combination of circumstances, to agree with these ideas. Great revolutions are not accomplished by a sudden virtue. Ages of preparation are necessary before they arrive at their maturity. Slavery, though ameliorated by Christian morality and reforms full of humanity, continued to exist legally, and to be fed from the impure sources, trade and conquest.”<sup>3</sup>

In Rome, as in Athens, the morality and expediency of slavery did not fail to attract the attention of her statesmen and philosophers, and as great diversity of opinion existed in the former place as the latter. “Our

<sup>1</sup> *Essais hist.*, tom. i, p. 308.

<sup>2</sup> Bingham’s *Antiquities of the Christian Church*, Bk. XXII, ch. ii, § 6.

<sup>3</sup> *Influence du Christianisme sur le droit civil des Romains*, 162, 3. See also Sismondi, tom. i, pp. 85 104.

slaves are our enemies," said Censor Cato. "Slaves truly, but men,"—"fortasse liberi animo," preached the almost Christian Seneca. "The old and infirm slaves are a nuisance on the farm, and should be sold," said Cato. "In servos superbissimi, crudelissimi, contumeliosissimi sumus," responded the conscientious Seneca. And in another place, either from inspiration or Christian teaching, adds the golden rule, "Sic cum inferiore vivas, quemadmodum tecum superiorem velles vivere."<sup>1</sup>

Cicero, the greatest of Roman philosophers as well as orators, seems to have been imbued with the same views concerning slavery as Plato and Aristotle. He even justified the cruelty with which some of them were treated. "Iis, qui vi oppressos imperio coercent, est sane adhibenda sævitia, ut heris in famulos."<sup>2</sup> Varro adopted, to its full extent, the doctrine of Aristotle.<sup>3</sup> Florus speaks of slaves as an inferior species of men.<sup>4</sup> And Pliny compares them to the drones among the bees, to be forced to labor, even as the drones are compelled.<sup>5</sup>

A different opinion prevailed among the later writers, and hence we find but one voice in the Digest and Code: "Jure naturali omnes liberi nascuntur."<sup>6</sup> "Servitus est constitutio gentium contra naturam."

So Quintillian: "Quid non liberum natura genuit? Taceo de servis, quos bellorum iniquitas in prædam victoribus dedit, iisdem legibus, eâdem fortunâ, eâdem necessitate natos. Ex eodem cœlo spiritum trahunt; nec natura ullis, sed fortuna dominum dedit."<sup>7</sup>

<sup>1</sup> Let. 47: "Quid est eques Romanus, aut libertinus, aut servus? Nomina ex ambitione aut ex injuria nata." Let. 32.

<sup>2</sup> De Off. Lib. II, 7. See also his oration against Verres, V. 3, De rep. iii.

<sup>3</sup> De re rustica, lxvii, 1.

<sup>4</sup> Florus, iii, c. xx, 2.

<sup>5</sup> Pliny, xi, c. xi, 1.

<sup>6</sup> Dig. Lib. IV, De Just. et Jure.

<sup>7</sup> Declam. iii.

## CHAPTER VII.

### SLAVERY IN EUROPE DURING THE MIDDLE AGES.

“In every age and country, until times comparatively recent,” says Mr. Hallam, “personal servitude appears to have been the lot of a large, perhaps the greater portion of mankind.”<sup>1</sup> Certainly during the middle ages, upon the continent of Europe, it was universal. So much oppressed and deprived of so many privileges were even the frèemen of the lower classes, that it is with some difficulty that we are enabled to distinguish the slave, the serf, and the freeman. A term which, in one nation, indicated slavery, in an adjoining one represented a class of freemen. Thus, the *colibert* of France was a slave: “Libertate carens colibertus dicitur esse;” but among the Lombards, the *colibert* was ranked among freemen.<sup>2</sup> The truth seems to be, that all the classes below the nobles or lords, were in a state of actual servitude. In the absence of well-ordered government, the small proprietors of lands were the constant subjects of depredation by the lawless and warlike. Their only recourse was the protection of some more powerful neighbor. For that protection they yielded their liberty, frequently voluntarily, becoming thus the serfs or *coloni*

<sup>1</sup> Hist. Middle Ages, ch. ii, pt. ii, p. 89. “In the infancy of society,” says M. Guizot, “liberty is the portion of strength. It belongs to whoever can defend it. In the absence of personal power in the individual, it possesses no other guarantee.”—Essais sur l’Histoire de France, 126.

<sup>2</sup> See Appendix to Michelet’s History of France.

so universal in these ages.<sup>1</sup> In seasons of famine, also, many freemen sold themselves as slaves. Their redemption, at equitable prices, is provided for in a Capitulary of Charles the Bald.<sup>2</sup> Others surrendered themselves and their property to churches and monasteries, and became, with their posterity, their perpetual bondmen.<sup>3</sup> To these, extraordinary, were added the usual and universal sources of slavery, viz., war, debt, crime, birth, and sale of themselves and of children.<sup>4</sup>

Slavery existed in these countries long before their subjection to the Roman yoke. The number of domestic slaves, previous to that period, was small; but the prædial or agrestic slaves were numerous. Of the slavery in Gaul and Germany, previous to that time, we have some accounts.<sup>5</sup> After the Roman subjugation, the laws of Roman slavery were extended more or less to every nation, modified necessarily by their previous customs.

Frequently, the *status* of slavery attached to every inhabitant of a particular district, so that it became a maxim, "*Aer efficit servilem statum*;" a different atmosphere it must have been from that which fans the British shores, according to the boasts of some of their judges. It is a little curious that, by an ordinance of Philip, Landgrave of Hesse, the air of Wales was declared to be of the infected species.<sup>6</sup>

<sup>1</sup> Guizot's Hist. of Civilization in France, § 8, citing Salvianus de Gubern. Dei. Lib. v. Bishop England gives us this quotation from Salvianus at large, in Letter VI, to Jno. Forsyth, p. 53. See also Michelet, Origines du Droit Français, p. 274.

<sup>2</sup> Hallam, as above. See also Muratori, Annali d'Italia.

<sup>3</sup> Beaumanoir, ch. 45. In a charter granted by the Emperor, Otto I, to a monastery, are these words: "*Si vero aliquis ex liberis voluerit litus fieri, aut etiam colonis, ad monasteria supra dicta, cum consensu suorum hæredum, non prohibeatur a quâlibet potestate.*" Potg. i, 5.

<sup>4</sup> See Du Cange v. Heribannum.

<sup>5</sup> Cæsar, De Bel. Gall. Lib. VI, cap. xiii; Tacitus, cap. xxiv; Potg. Lib. I, cap. i; Giraud, Histoire du Droit Français au Moyen-Age, art. v.

<sup>6</sup> Hertius, Lib. II, p. xii; Potgiesser, De Stat. &c., Lib. I, cap. i, § 15.

The names given to slaves differed in the several states, and at different times. Among the French, they were called *hommes de pooste*.<sup>1</sup> In some of their authors, *coustumiers*.<sup>2</sup> In the Salique laws and the Capitularies, they were called *servi*, *tributarii*, *lidi*, *coloni*, *liti*, and *lasince*.<sup>3</sup> In the formulas of Marculf, they are distinguished as *mansionarii* and *servientes*. In the Bavarian law, *lazi*. In the German law, *homines proprii*, *genetiarice*, *ancillæ*, &c. These names varied in different centuries, indicating a change in their employments, and a melioration of their condition. In the twelfth century they were first called "*rustici*;" and not until the fourteenth were they called *glebarii*, indicating their permanent attachment to the soil. In the fourteenth century, also, we first find them called *slavi*.<sup>4</sup>

Of slavery in the German states, we have the most full and accurate account. The works of Heineccius and Potgiesser, and especially the treatise by the latter, "*De Statu Servorum*," answer every inquiry we could desire to make. From them we learn, that the early German slavery was mild in its character, differing widely from the Roman. The master and the slave were equal in education, tended upon the same flocks, and

<sup>1</sup> Hallam, as above; derived from the Latin *Homines in potestate*. Bonnemère.

<sup>2</sup> Du Cange v. *Potestas*.

<sup>3</sup> Hallam, Potg., Lib. I, cap. iii, § iv; Guizot, *Essais sur l'Histoire de France*, 134; Giraud, as above.

<sup>4</sup> Potg., as above.

St. Augustine defines *Colonus* thus: "*Coloni dicuntur, qui conditionem debebant genitali solo propter agriculturam sub dominio possessorum.*" *De Civ. Dei*. Lib. X, cap. i.

Guizot, in his *Hist. of Civilization in France*, Lect. vii, distinguishes, at length, the condition of the *Colonus* from the absolute slave. In his *Essais sur l'Histoire de France*, he says, that these names varied according to the extent of the liberty and the right of property which they possessed. p. 134.

Giraud traces the *Colonus* to the times of Augustus, vol. i, p. 155.

See Bonnemère, *Histoire des Paysans*, Introduction.

rested upon the same pillow. The invention of the one was not taxed to provide tortures for the other; nor did his cruelty excite the latter to devise schemes for his destruction. The master sometimes did kill the slave, not from cruelty and severity, but from anger and impulse, as an enemy, and for his own protection. In Celtic Gaul, a custom existed at one time of burning the slaves upon the funeral pyre of their master.<sup>1</sup> Cæsar notices this custom in Gaul;<sup>2</sup> and Peter Dusbergensis states its existence among the Prussians. The latter gives the reason for it, in the popular belief of the transmigration of souls: that, in another world, the soul of the slave entered into the master's body, and that of the master into the body of the slave.<sup>3</sup> A similar superstition is frequently found among the negro slaves in the United States at this day.

This state of things was of short duration, and the condition of the slave became worse. The power of the master over him was very extensive subsequently. Thus, in an ancient deed, by which a sale of a freeman into slavery was made by himself, it was covenanted that the master should have power, "Ad disciplinandum, tenendum, imperandum, et quicquid ei placuerit faciendum, tam de rebus, quam de peculio."<sup>4</sup> Slaves could be sold, pawned, or otherwise disposed of, and were the subject of inheritance at the death of the owner. If, however, the master left no heir, the slave became free immediately.<sup>5</sup> The master's power seems sometimes to have been abused, as an edict of Charles, in the year 864, directs that slaves guilty of a fault, should be beaten naked with rods, and not with huge clubs.<sup>6</sup> Fugitives were arrested and returned to their owners,

<sup>1</sup> Potgiesser, Prolegomena, § xlviii.

<sup>2</sup> De Bel. Gall. Lib. VI.

<sup>3</sup> Chron. Pruss. Part III, ch. v, cited in Potg.

<sup>4</sup> Quoted in Potg. Lib. I, cap. i, § v.

<sup>5</sup> Potg. Proleg. L. Lib. I, cap. iii, §§ v, x; Heinec. Elem. Jur. Germ. Lib. I, tit. i.

Potg. § xiv.

and if no owner claimed them, were, nevertheless, retained in slavery. Even shipwrecked persons were reduced to slavery, for many centuries, notwithstanding the anathemas of the Church.<sup>1</sup>

We may judge of the extent of the master's power by a German proverb, which has been preserved: "He is mine: I can boil him or roast him." So, also, we read of a German custom: "If a master does not wish to place his slave in irons, he can put him under a cask, and place above a piece of cheese, a small loaf of bread, and a pot of water, and leave him thus till the third day."<sup>2</sup>

The slaves were distinguished in their dress from freemen. "After a battle, in the year 711, one could distinguish," says an old chronicler, "the corpses of the Goths, by their rings." Those of the nobles were of gold, those of the freemen of silver, and those of the slaves of copper.<sup>3</sup>

The sources of slavery among the Germans were the same as with the Romans. Tacitus mentions one peculiar to them, viz., gaming, the loser becoming the slave of the winner.<sup>4</sup>

The punishment of slaves differed from that prescribed for freemen, for the same offence. Thus, where a freeman was fined, the slave was stripped naked and publicly whipped. The testimony of slaves was not allowed against a freeman, nor were they permitted to bring accusations against their masters. They were excluded from all offices, nor could they receive ecclesiastical orders, except by the consent of their master.<sup>5</sup> Marriage was not allowed among them until the ninth cen-

<sup>1</sup> Potg. Lib. I, c. ii and iii.

<sup>2</sup> Cited by Michelet, *Origines du Droit Français*, 272.

<sup>3</sup> Capit. v, 247, vi, 271, cited by Michelet, as above, p. 273.

<sup>4</sup> *Ea est in re prava pervicacia: ipsi fidem vacant.* Tac. de Mor. Germ.

<sup>5</sup> Potg. § xi.

tury, and then, if celebrated without the master's consent, it was void.<sup>1</sup>

The punishment of fugitives varied; none was specified among the early Germans. Among the Franks it was left purely to the discretion of the master. In the Capitularies we frequently find directions to the presbyters of churches to deliver up fugitives seeking refuge therein.<sup>2</sup> The laws were more specific as to the punishment of those who harbored or concealed them. By the Bavarian law it was a fine and the restitution of another slave. By the law of the Visigoths the restitution of *three* slaves. The law of the Frisians agreed with the Bavarian. The Burgundian law provided for a fine only.<sup>3</sup>

Long hair, being the badge of a freeman, was prohibited to slaves. Hence, one, that permitted a fugitive's hair to grow long, was subject to a fine. The Burgundian law forbade the giving of a loaf of bread to a fugitive. The law of the Visigoths forbade the showing him the way,—*ostendere viam*.

Escapes into a neighboring state were frequent. They were always unhesitatingly delivered to their owners. Marculf has preserved the form of a letter of demand for a fugitive. Potgiesser, who wrote about the first year of the eighteenth century, says the same form in substance was used in his day for the demand of *homines proprii*.<sup>4</sup>

Various modes of manumission were recognized. After the days of Constantine, manumission *in ecclesiâ* or *circa altare*, was the most common. Something in-

<sup>1</sup> Ibid. § xiv; Heinec. El. Jur. Ger. Lib. I, tit. i.

<sup>2</sup> In one of the Capitularies it is provided that slaves taking refuge in a church are to be delivered up, on promise of a light punishment. A fine was imposed on the master for violently abstracting his slave from the church, and for violating his promise, the master was excommunicated. Potg. Lib. II, cap. viii, §§ 10, 11.

<sup>3</sup> Potg. Lib. II, cap. viii.

<sup>4</sup> Potg. Lib. II, cap. viii.



dicating a renunciation of dominion by the master is all that, in the earlier nations, was required. Hence, the striking of a penny from the hand, among the Franks, the leading a servant to an open door, or to where two roads cross, and speaking these words, "*De quatuor viis, ubi volueris ambulare, liberam habebas potestatem*," adopted among the Lombards, the delivery to the slave of the arms of a freeman,<sup>1</sup> and various other modes, were considered sufficient.<sup>2</sup>

The depriving a slave of an eye *ipso facto* manumitted him.<sup>3</sup> For other cruelties the master was sometimes compelled to sell him.<sup>4</sup>

The manumitted slaves, according to Heineccius, differed but little from their former associates, "*Quod ad reliqua attinet, eorum status a servorum vel hominum priorum conditione parum differt*."<sup>5</sup>

Towards the fifteenth century the condition of slaves became ameliorated in many parts of Germany. This seems to have been attributed to various causes. One cause assigned, was the introduction of the Roman law and rule; under which the *coloni* were recognized in the census among freemen, because they possessed, in a modified manner, the right to marry, to contract, and to make a testament, whereas under the Saxon law they were ranked as slaves. Another cause assigned, was the numerous intestine wars among the German states, which necessarily relaxed for the time the domestic discipline over their slaves. Another cause was the indulgence and negligence of masters, especially the religious communities, who owned large numbers and demanded of them only a yearly rent or hire.<sup>6</sup> Occasionally, how-

<sup>1</sup> The use of these arms being forbidden to slaves. Thus, in Capitularies, Lib. V, cap. 247, "*Et ut servi lanceas non portent*."

<sup>2</sup> Heinec. El. Jur. Germ. Lib. I, tit. ii; Potg. Lib. IV.

<sup>3</sup> Ducange v. Servus.

<sup>4</sup> Potg. Lib. I, cap. ii.

<sup>5</sup> Heinec. as above, § 57.

<sup>6</sup> Potg. Lib. I, cap. iii, §§ 35, 36, and 37.

ever, the immediate tithe-gatherers became very oppressive, and demanded more than was required by their superiors. The Pope himself interfered frequently on such occasions.<sup>1</sup>

Another cause may be traced in the effects of the Crusades. In these holy wars, the vassal and his lord had fought side by side, stimulated by the same religious enthusiasm, rejoicing in the same victory, and suffering from the same defeat. The idea of equality among men became an admitted dogma, and the friendships originating in common toils and sufferings added another reason for admitting this equality. Commerce, between nations, springing up from this common intercourse and common end, tended to enlarge and liberalize the opinions of masters as well as men.<sup>2</sup>

In addition to these, were the mild and humanizing influences of Christianity, which, while it did not forbid the control of the master over his slave, for their mutual benefit, exhorted him to remember that his slave was "the Lord's freeman," and joint heir with him in Christ of the promises held out to the faithful. At the same time, teaching the slave obedience to his master under the law, all earthly authority being by permission of God. That bond or free, on earth, is a matter of no moment, so that *heavenly freedom* is obtained. Tertulian thus developed this idea to the early Christians: "In the world they who have received their freedom are crowned. But thou art ransomed already by Christ, and indeed bought with a price. How can the world give freedom to him who is already the servant of another? All is mere show in the world, and nothing truth. For even then, thou wast free in relation to man, being redeemed by Christ, and now thou art a servant of Christ,

<sup>1</sup> See the Letters of Gregory the Great to the Subdeacon Peter, as to the administration of the property of the Church in Sicily, given by Guizot, in Sect. 8, on Hist. of Civil. in Europe.

<sup>2</sup> See Michelet, Hist. &c. Bk. IV, ch. iv.

although made free by a man. If thou deemest *that* the true freedom which the world can give thee, thou art, for that very reason, become once more the servant of man, and the freedom which Christ bestows thou hast lost, because thou thinkest it bondage."<sup>1</sup>

So Ignatius, of Antioch, writes to the Bishop Polycarp, of Smyrna: "Be not proud towards servants and maids; but neither must they exalt themselves; but they must serve the more zealously for the honor of God, so that they may receive from God the higher freedom. Let them not be eager to be redeemed at the expense of the Church, lest they be found slaves of their own lusts."<sup>2</sup>

Such was not only the teaching of the early Christians, but we may well believe their works were in accordance with their faith. Thus, when a fatal pestilence devastated Carthage, we find the Bishop Cyprian writing to his flock: "How necessary is it, my dearest brethren, that this pestilence which appears among us, bringing with it death and destruction, should try men's souls; should show whether the healthy will take care of the sick; whether relations have a tender regard for each other; *whether masters will take home their sick servants.*"<sup>3</sup>

Thus, also, we find in the Apostolical Constitutions (which is of very early date in the Church, though not probably of apostolic origin), that the slave of a believing master was not to be received except upon the good report of the master himself, and not until he was approved by the master. Bingham adds, that "Experience proved it to be a useful rule; for it both made the mas-

<sup>1</sup> De Coronâ Militis, c. xiii, quoted in Neander's Hist. of Church, vol. i, 269. (2d Amer. Ed.)

<sup>2</sup> Quoted by Neander, as above.

<sup>3</sup> Lib. de Mortalitate, quoted by Neander, p. 258. Locenius, a commentator on Swedish law, speaking of the cessation of slavery, about the year 1295, says, "Hanc que id suasisse inter alios, rationem quod servatore nostro vendito, omnes redempti fuerint Christiani, et liberti facti." Quoted by Potg. Lib. I, cap. iii, § 39.

ters zealous for the salvation of their slaves, as we have seen in the African negro mentioned in Fulgentius, and also made the slaves sincere in their professions and pretences to religion, when they knew they could not be accepted as real converts, worthy of baptism, without the corroborating testimony of their masters.<sup>1</sup> The same Constitutions provided that no slave should be ordained among the clergy, except by the consent of his master; and the canons of several councils reiterated the same injunction. The Council of Eliberis went further, and provided that the slave of a heathen master should not be ordained even if he was manumitted.<sup>2</sup> So St. Basil forbade the marriage of slaves without the consent of their masters, and declared it to be fornication; and if a woman, that she differed nothing from a harlot."<sup>3</sup>

That the true "heavenly freedom" was open to all, bond or free, was inculcated by all the Fathers. St. Justin illustrates this idea by the history of Jacob: "Jacob served Laban for the spotted and particolored of the flock, and so Christ submitted to the vilest servitude for every form and variety of the human race, purchasing them with his divine blood, by the mystery of the cross."<sup>4</sup> St. Jerome declares "that we are all born alike, kings and paupers; we all die alike—the same is the condition of all;"<sup>5</sup> but that "enfranchisement exists in the knowledge of the truth, so that there will be no perfect liberty until the truth shall appear unclouded at the judgment day."<sup>6</sup> St. Ambrose develops this thought more at large: "He is a slave who has not a pure conscience, who is cast down by fear, entangled by pleasure, governed by passions, excited by anger, over-

<sup>1</sup> Antiquities of Christian Church, vol. i, 502. A full exposition of these Constitutions can be found in Chevalier Bunsen's work, Hippolytus and his Age, vol. ii.

<sup>2</sup> Bingham's Antiquities, &c., vol. i, 147. <sup>3</sup> Ibid. vol. ii, 985.

<sup>4</sup> Dial. cum Trupho. 134.

<sup>5</sup> Hieron. in Ps. lxxxi, § 4.

<sup>6</sup> Hieron. Comm. in Ps. clvi.

whelmed by grief. . . . The man bound by his vices has many masters in himself. . . . He who has power over his own conduct is perfectly free, for he does everything with prudence, and lives as he ought to live—he alone is free.”<sup>1</sup> So, in another place, “*Servile est omne peccatum, libera est innocentia.*”<sup>2</sup> St. Augustine exhorts the slave to serve his master according to the flesh, for in so doing for Christ’s sake, he serves God, and to serve God is true liberty.<sup>3</sup>

St. Chrysostom goes still farther, and exhorts servants not to seek temporal liberty, even if they could obtain it, as their bodily bondage caused their spiritual liberty to be more pre-eminent and shining.<sup>4</sup>

The Popes of subsequent days enforced the same views, both by precept, as is fully seen in Gregory the Great’s book, *Pastoralis Curæ*, Admonition VI, and by their acts, holding and buying and transferring slaves.<sup>5</sup>

M. Wallon justly observes, that the Christian Fathers and Church did not pretend to undertake the labor of working out the abolition of slavery: “Another graver and more urgent labor in every respect, in their view, was the enfranchisement of their souls. In the short journey of life, where we take and leave our bodies matters not. The soul alone, born for eternity, gives interest to the question of liberty and slavery.” Such was their view of Christian duty.<sup>6</sup>

<sup>1</sup> De Jacob. et vita beata, Lib. II, c. iii, § 12.

<sup>2</sup> De Joseph, IV, §§ 19, 20.

<sup>3</sup> “*Servire Deo regnare est.*” Cited, with many others, by Wallon, Part III, ch. viii. Speaking of the liberation of the Jewish servants, he says, “*Ne servi Christiani hoc flagitarent a dominis suis, apostolica auctoritas jubet servos dominis suis esse subditos, ne nomen Dei blasphemetur.*” Quæst. in Ex. lxxvii. <sup>4</sup> In Genes. Serm. v.

<sup>5</sup> Bishop England’s Letters to John Forsyth, tracing the whole history of the Catholic Church, in reference to slavery.

<sup>6</sup> Hist. de l’Escl. dans l’Ant. Part III, ch. viii. As late as the seventeenth century, Bossuet, the great pulpit orator of the world, declared that to condemn slavery “was to condemn the Holy Spirit, who com-

While this was the teaching of the Fathers, and such was the effect of the principles of Christianity, yet it does not appear that the Church was at all forward in manumitting her slaves. The villains upon the Church lands were among the last emancipated.<sup>1</sup>

Villanage has never been entirely extinct in Germany. The distinction between the villain and the ordinary peasant is more in name than in fact. Indeed, the situation of the peasantry of the present day, differs but little from their condition when they were *coloni* and *rustici*. Mr. Hallam, speaking of the latter, says: "Even where they had no legal title to property, it was accounted inhuman to divest them of their little possession (the *peculium* of the Roman law); nor was their poverty perhaps less tolerable upon the whole, than that of the modern peasantry in most countries of Europe."<sup>2</sup>

In Gaul, the feudal system had a more extensive and general sway, and continued for a longer time, than in Germany. Under that system, the mass of the people were bondmen—not absolute slaves, perhaps, but far from exercising the privileges of freemen. Prior to that system the bondmen in Gaul were numerous. After the invasion of the Goths, the Burgundians and Franks, who possessed themselves of different portions of Gaul, the feudal system with its servitudes became permanently fixed. The frequent conquests of Gaul, and the consequent number of captives, swelled greatly the list of bondmen, and the subsequent intestine wars among the conquering hordes themselves, rendered servitudes more general in France than in any other of the European countries.<sup>3</sup> As these conquering nations were

manded all slaves, by the mouth of St. Paul, to remain in their estate, and did not force their masters to enfranchise them." Cinquième Avertis. aux Protestants, § 50.

<sup>1</sup> Hallam's Mid. Ages, Pt. II, ch. ii.

<sup>2</sup> Ibid.

<sup>3</sup> Montesq. Esp. des Loix, Lib. XXX, ch. ii; Histoire des Paysans, by Eugène Bonnemère.

of Germanic origin, and carried with them their laws and customs, it is unnecessary to enter into a detailed view of the condition of the bondmen of Gaul. Michelet, speaking of the days of Charlemagne, says: "Slavery, mitigated it is true, is greatly increased. Charlemagne gratifies his master, Alcuin, with a farm of 20,000 slaves. The nobles daily forced the poor to give themselves up to them, body and goods. Slavery is an asylum where the freeman daily takes refuge."<sup>1</sup>

The condition of the bondmen in France was more onerous than in Germany. In both, the burthen of raising the revenue for the support of government, fell upon them; one of the privileges of a freeman, was freedom from taxation.<sup>2</sup> Gibbon says, "The Goth, the Burgundian, or the Frank, who returned from a successful expedition, dragged after him a long train of sheep, of oxen, and of human captives, whom he treated with the same brutal contempt. The youths of an elegant form and ingenuous aspect, were set apart for the domestic service; a doubtful situation, which alternately exposed them to the favorable or cruel impulse of passion. The useful mechanics and servants employed their skill for the use or profit of their master. But the Roman captives who were destitute of art, but capable of labor, were condemned, without regard to their former rank, to tend the cattle and cultivate the land of the barbarians." "An absolute power of life and death was exercised by these lords; and when they married their daughters, a train of useful servants, chained on the wagons to prevent their escape, was sent as a nuptial present into a distant country." He adds: "From the reign of Clovis, during five successive centuries, the laws and manners of Gaul uniformly tended to promote the increase and to confirm the duration of personal servitude. Time and

<sup>1</sup> Hist. of France, vol. i, ch. ii; see also Gibbon's *Decline, &c.*, ch. xxxviii.

<sup>2</sup> Montesq. Lib. XXX, ch. 15.

violence almost obliterated the intermediate ranks of society, and left an obscure and narrow interval between the noble and the slave. This arbitrary and recent division has been transformed by pride and prejudice, into a national distinction, universally established by the arms and the laws of the Merovingians. The nobles, who claim their genuine or fabulous descent from the independent and victorious Franks, have asserted and abused the indefeasible right of conquest, over a prostrate crowd of slaves and plebeians, to whom they imputed the imaginary disgrace of a Gallic or Roman origin.”<sup>1</sup> Michelet, describing the peasants of the fourteenth century, says: “It did not take long to make an inventory of the peasant’s property: meagre cattle, wretched harness, plough, cart, and some iron tools. *Household goods he had none.* He had no stock, save a small quantity of seed-corn. These things taken and sold, what remained for the lord to lay his hands upon?—the poor devil’s body, his skin. Something more was tried to be squeezed out of him. The boor must have some secret store in a hiding-place. To make him discover it, *they did not spare his carcass*; his feet were warmed for him. At any rate they had no mercy on the fire and iron.”<sup>2</sup>

The rustic serf differed somewhat from the slave. He could not be sold for his master’s debt, nor could he be separated from the land to which he was attached. He had a peculium, or rather the right to have one. If, however, he sought to fly from the rigors of his situation, the reclaimed fugitive became a pure slave.<sup>3</sup> The cruelty of the lord’s treatment equalled anything related of the Roman masters. The Duc de Soissons caused to be buried alive a male and a female serf, who intermarried

<sup>1</sup> Decline and Fall of Roman Emp. ch. xxxviii.

<sup>2</sup> Hist. of France, Bk. VI, ch. iii; see also Dr. Robertson’s “View of the Progress of Society in Europe;” Edwards’s Ecclesiastical Jurisdiction, § 36; Bonnemère’s Histoire des Paysans, Introduction.

<sup>3</sup> Bonnemère, p. 5.



without his consent. At his feasts he amused himself by forcing a naked serf to hold between his legs a flaming torch until it should be extinguished, repressing his cries and his moving by threatening death with a sword.<sup>1</sup> The low estimate placed upon their value, may be inferred from the fact that the Bishop of Avranches gave five women and two men for a spirited horse, on which to enter his diocese.<sup>2</sup> The slaves were bought and sold as other choses; and there are manuscripts in existence, showing the exchange of the half of a woman for the half of a man.<sup>3</sup>

The *mainmorte* of the French had its origin in the custom of the master to cut off the right hand of the deceased serf and presenting it to the lord, which evidence of dominion entitled him to the goods and effects of the deceased, to the exclusion of his children. Even the religious lords sometimes nailed these hands over the doors of their towers, by the side of the heads of wild animals taken in the chase.<sup>4</sup> The miserable condition of the people, combined with a superstitious piety, multiplied largely the slaves of the religious houses. The formulas of the ceremony, on receiving such voluntary slaves, are still extant. The Church encouraged this practice, and in A. D. 847, procured a capitulary, by which every freeman was required to select a lord, under whose protection to place himself.<sup>5</sup> The serfs bore around their necks a collar, upon which was inscribed the master's name.<sup>6</sup>

The children of slaves were frequently divided between the owners of the husband and wife; sometimes the former taking the males, and the latter the females. Some curious agreements, in reference to the division of

<sup>1</sup> Bonnemère, p. 37, citing Greg. de Tours, for his authority, who adds, that the Christian masters were equally cruel; naming a Bishop of Mans, Bertram, whose acts were of the same character.

<sup>2</sup> Bonnemère, 37.

<sup>3</sup> Ibid. 38.

<sup>4</sup> Ibid. 39.

<sup>5</sup> Ibid. 51.

<sup>6</sup> Ibid.

the children are still in existence. The most abominable feature of this state of slavery, was what was called the "right of prelibation," which was the lord's privilege of lying with the female vassal on the first night after her marriage. This custom seems to have prevailed, at one time, in Scotland, England, Germany, Piedmont, and most parts of Europe.<sup>1</sup> To make this custom more horrible, the husband was required to carry his espoused to her bed of dishonor.<sup>2</sup> The remains of this custom are still seen in certain gifts required of the villain on his marriage, in various countries in Europe, being originally a composition for this right.<sup>3</sup>

The art of tormenting was carried to a degree of refinement seldom equalled, even in the imagination of those depicting the horrors of the Inquisition. "The fire, the sword, the pit, the quartering, the wheel, the sack, the axe, the fork, the gibbet, had no secrets from him (the lord). He knew how to draw, to prick, to rack, to break the teeth, to burn the eyes, to cut off the hands, the feet, nose, ears. He knew how to castrate, to dismember, to lash, to break on a wheel, to castigate, to flay alive, to boil, to roast, and with wise deliberation."<sup>4</sup>

That people, thus oppressed, should frequently revolt and inflict vengeance upon their tyrants, is not surprising. Their desperation compensated for their want of discipline, and hence we are not surprised at their success for a season. The Bagaudan conspiracy was a most remarkable instance. They became masters of several of the rural districts, burnt several towns, and committed other depredations.<sup>5</sup> Almost the same scenes were re-

<sup>1</sup> Bonnemère, 57, et seq.

<sup>2</sup> "Maritus ipse femora nuptæ aperiet, ut dictus dominus primum florem primitiasque delibet facilius." Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Bonnemère, 63.

<sup>5</sup> Michelet's Hist. of France, Bk. I, ch. iii. A full history may be found in Bonnemère's Histoire des Paysans. Introduction, ch. ii.

enacted in the fourteenth century, in the celebrated revolt of the peasants, known as the "*Jacquerie*."<sup>1</sup>

The names of the servile classes in France varied according to their grades from the *seneschal* and *mareschal*, the chief slaves, down to the *gens de corps*, who were classed with the cattle, as *levant et couchant*. The intermediate grades, between absolute liberty and absolute slavery, were infinite.<sup>2</sup>

The wars of the Christians and Moors in France and the Peninsula, increased largely the number of slaves. France and Italy were filled with Saracen slaves. At the same time, the Jews of Lyons and Verdun were furnishing Christian slaves to their Saracen customers.<sup>3</sup>

On the other side, the wars of the German and Slavonic tribes gave to the slave-trade its greatest activity, and filled the neighboring nations with so many of the Slavonic captives, as to transfer their name "slaves," to servitude itself.<sup>4</sup>

From the sixth to the fourteenth centuries there was very little improvement in the condition of the serfs of France. In 1315, Louis le Hutin, to render famous his reign, promulgated a celebrated ordinance for the enfranchisement of royal serfs; wherein, after declaring, by the law of nature, all men are born free, and that the kingdom of the Franks should comport with its name and be a kingdom of freemen, as an example to other seigneurs, he ordered his officers to grant freedom to his serfs, "upon certain composition, whereby sufficient compensation shall be made to us for the emoluments

<sup>1</sup> See a graphic description of this, by Michelet, *Hist. of France*, Bk. VI, ch. iii.

<sup>2</sup> For a full and accurate view of this subject, see Michelet, *Origines du droit français*, 276; Du Cange *Gloss. v. Colonus*, Mancipia, Accola, &c. Guizot, *Essais sur l'Histoire de France*, p. 105; Giraud, *Histoire du droit français*, tom. i, art. v; Bonnemère, *Histoire des Paysans*, Introduction.

<sup>3</sup> Bancroft's *United States*, i, 162, 164, and authorities there cited.

<sup>4</sup> Bancroft's *United States*, i, 162.

arising to us and our successors from their said servitude." The result, as might have been expected, was much honor to the royal munificence and justice, and but little amelioration to the serf.<sup>1</sup>

With very considerable abatement in rigor, the feudal system, and the consequent oppression of the peasant, continued in France until the revolution of 1789. "Fiefs and the feudal system," says M. Troplong, "had introduced in France a *noblesse*, the members of which have, even to the latest times, preserved privileges very onerous to the people, and unjust prerogatives very humiliating to the balance of the nation."<sup>2</sup> One can almost excuse the horrors of the revolution, when it is remembered, to use the figure of Macaulay, that the Devil of Tyranny always tears and rends the body which it leaves. Certain it is, that a people unjustly enslaved by masters, in nowise their superiors, acquired thereby for the first time their enfranchisement. The great Napoleon, it is true, after the Empire, established a new and even an hereditary nobility. But he exhibited the sagacious wisdom of his master mind even in this; for while he rewarded the brave and virtuous, and stimulated the pride and emulation of their posterity, he withheld from the new *noblesse* those prerogatives and powers which oppressed the people. The French people objected not to the display and pageantry attendant upon a titled aristocracy; and when unaccompanied by oppression, they were not distasteful to them.

Sicily, Italy, and Venice, for many ages furnished marts to the slave-dealer. Venetian ships were engaged in the commerce long after Venetian laws had prohibited it; and never did the trade therein fully cease, until treading the deck of an argosy of Venice was declared by law to be itself freedom.<sup>3</sup>

<sup>1</sup> Guizot's History of Civilization, Lecture viii.

<sup>2</sup> Droit civil français, Liv. I, Int. § 195.

<sup>3</sup> Bancroft's United States, i, 163, and authorities there cited.

Slavery continued in Poland so long as it remained an independent state; the slaves were mostly prædial, living upon their master's land, furnished by him with agricultural implements and cattle, and bound to labor for him a specified portion of their time. They were allowed, by their lords, to own and possess personal property, and thus acquired occasionally a comfortable competency.<sup>1</sup>

When Russia became master of most of her soil, the condition of the serfs was not improved, as the slavery of Russia is as arbitrary and oppressive as that of any portion of the world. It has existed there ever since the Muscovite Empire has been known, and has undergone, in the progress of time, but little amelioration. It includes the vast majority of the population of this extensive domain, and presents but little prospect of change or improvement. Besides yielding passive obedience, the Russian slave must uncover himself in the presence of his master; must succor him when attacked; must not marry without his permission; must make no complaint against his master, except under the severest penalties, if it be decided against him; and must submit to any labor or punishment which his master may inflict upon him. The master may dispose of his serf in any manner he pleases, sell or mortgage him, transfer him from one estate to another, or to his household, or transport him to Siberia. May inflict any punishment he pleases upon him. May seize all of his earnings, and appropriate to his own use. However, by the indulgence of their masters, some of the serfs acquire considerable estates.

Emancipation is allowed by law; and one article provides, that "an emancipated serf can never again become a slave, but he may be compelled to serve as a soldier all his life." But emancipation is no blessing to the

<sup>1</sup> See Dickens's *Household Words*, i, 342.

Russian serf. There exists no intermediate grades between the nobles and the serfs. There is no opening for rewarding industry and probity; no stimulus for energy and integrity. The serf, bond or free, is still a serf, confined to the occupation of a serf, without hope of a better condition. As free, he is liable to starvation, while otherwise his master must provide food for him: and hunger and famine are *realities* among the Russian serfs. It is not surprising then, that they are contented with their lot and seek no change. They are indolent, constitutionally, and indulge it at their master's expense. They are mendacious, beyond the negro perhaps, and feel no shame at detection. Like him, too, they have no providence for the future, and no anxiety about it. They are filthy in their persons, and in their rude huts; exhibiting, in all their handiworks, the ignorance of a savage and the stupidity of a dolt.<sup>1</sup>

In Turkey, and wherever Islamism prevails, slavery is a part of the religion of the people. The slave-market at Constantinople is always crowded with both blacks and whites; and in the same stall may be seen the negro from Sennaar or Abyssinia, and the beautiful Circassian girl, sold by her parents to avoid poverty and misery. Except to the Christian slave, the Turk is not in practice a cruel master, though his power is almost absolute. It is said that other Europeans, residing in Turkey, are invariably more cruel masters than the Turks themselves. Young and promising boys are frequently purchased by the sovereign, to be reared and educated for officers of state; and the Circassian beauties usually find a home in the harem of a wealthy proprietor. The right of redemption, too, is strictly enjoined by the Koran; for all slaves who properly conduct themselves, a writing is

<sup>1</sup> In this description of Russian serfdom, I have followed, chiefly, the work of Germain de Ligny, "The Knout and the Russians," Art. viii, "Slavery."

given to them fixing their value, and when the sum is tendered, the master is bound to accept it.<sup>1</sup>

A few remarks as to the condition of the peasantry at the present time, will properly close our view of slavery on the continent of Europe. Except in Turkey and Russia, slavery in name does not exist at this day. In these we have already noticed the present condition of the servile classes. It is due to the Emperor Nicholas of Russia to say, that he emancipated many of his serfs, as an experiment to test the success of freedom granted to them. The present Emperor is seeking to extend the experiment. Without a radical change in the constitution of the state, offering greater inducements for effort on the part of the people; and perhaps also a change still more difficult to produce, that of the character of the serf himself, no bright hopes need be cherished of any material improvement in the condition of Russian slavery.

In Hungary and Transylvania, the serfs rise but little above a state of slavery. *Involuntary* and *vile* personal services to their lords are still enforced; corporal punishment, at the will of the lord, is still allowed in the latter country, and existed in the former till the year 1835. The Urbarium of Maria Theresa, the Magna Charta of the peasantry, with all its boasted reform, did not elevate them to the position of *base* villanage in England.<sup>2</sup>

While slavery in name is extinct, slavery in fact exists on the continent, and must continue to exist, until enlightenment shall have driven intellectual darkness from the earth, and religion shall have changed so completely the heart of man, that every one shall be con-

<sup>1</sup> See Stephens's *Travels in Greece, Turkey, &c.*, vol. i, ch. xiii; Copley's *Hist. of Slavery*, p. 92. For description of slave-market, see Byron's *Don Juan*, Canto iv and v.

<sup>2</sup> For an interesting and graphic view of the peasantry of Hungary and Transylvania, see Paget's work, i, 178, et seq.; ii, 143, et seq.

tented to occupy that sphere for which his nature fits him.

The labor performed by the lower classes, is servile labor. In name, it is *voluntary*, in reality, it is *involuntary*, forced by a master more relentless than their feudal lords,—stern necessity. The female slavery described by Professor Silliman in his *Second Visit to Europe*, as witnessed by himself in Saxony,<sup>1</sup> had no parallel among the ancient Germans, whose slavery we have been examining. When population becomes dense, and the numbers depending upon their labor for their food increase, the price of labor can have but one standard, to which it of necessity comes: that is, the smallest possible amount upon which the laborer can feed and clothe himself and such of his family as are absolutely helpless. Another result is, that, as the price of labor decreases, the age at which the child shall be considered capable to toil for his own support correspondingly decreases; and the age at which the old shall be considered exempt from labor, in the same ratio increases. Necessity, too, forces the laborer to submit to an amount of labor to which his physical frame is incompetent, and hence, laws are necessary to protect him from such exactions. Another result is, that, despairing of an honest support, or yielding to natural indolence, the number of paupers frightfully increases, and with it the number of thefts and offences of that character. Michaelis, a learned German writer, after considering the question, “whether it be better to have slavery or not?” sums up thus: “To strike a balance, then, between the advantages and disadvantages of slavery, is a difficult matter; but upon the whole, when I consider the severity of our numerous capital condemnations for thefts, and our insecurity after all against its artifices; when I consider that the punishment of our culprits only serves to make them a burden

<sup>1</sup> Vol. ii, p. 341.



to our neighbors, who in return land theirs upon us, and that it thus becomes a sort of nursery for robbers, or, at any rate, for vagabonds and beggars, who are the pest of every country, I am often led to think that the establishment of slavery under certain limitations would prove a profitable plan.”<sup>1</sup>

<sup>1</sup> Commentaries on the Laws of Moses, Art. cxxii; see also Silliman's Second Visit, vol. i, p. 233; vol. ii, p. 7, 9, 11; Prime's Travels in Europe and the East, i, 361, 394; ii, 8, 47.

## CHAPTER VIII.

### SLAVERY IN GREAT BRITAIN.

A GLANCE at the history of slavery in Great Britain must suffice us.

The ocean-bound isle has not been exempt from the common fate of the nations of the world.

Of the ancient Britons and their social system but little is known. They were a simple, rude, and warlike people; "satisfied with a frugal sustenance and avoiding the luxuries of wealth."<sup>1</sup> They were governed by a large number of petty chiefs or lords, by whom the people were not oppressed; "for," says an old writer, "it is a certain maxim, that though great nations may be upholden by *power*, small territories must be maintained by *justice*."<sup>2</sup> In fact, they seemed unusually free, for Dion, in the Life of the Emperor Severus, says, "that, in Britain, *the people* held the helm of government in their own power."<sup>3</sup> Their wealth consisted of cattle, and they might almost be termed a nomadic race, their towns consisting of mere huts, temporary in their structure and occupation.<sup>4</sup> Among such a people it is more than probable slavery, if it existed at all, was mild, and similar to that of the Jewish patriarchs.

The Romans, with their invasion, introduced their system of slavery. Many of the conquered Britons were

<sup>1</sup> Diodorus, Lib. V, p. 301.

<sup>2</sup> Discourse on Government, by Nath'l Bacon, p. 2.

<sup>3</sup> Cited by Bacon, as above.

<sup>4</sup> Turner's Anglo-Saxons, Bk. I, ch. v, pp. 63, 64.

exposed in the slave-market of Rome.<sup>1</sup> The rule of the Saxons did not change the social system of Britain in this respect. Among no people were the orders or classes more distinctly divided. The *edhiling*, or nobility; the *frilingi*, or freed slaves; and the *lazzi*, or slaves, were among their earliest distinctions.<sup>2</sup> The slaves are mentioned by other names, in the ancient laws, such as *theow*, *thræl*, *men*, and *esne*.<sup>3</sup> There were great numbers of these slaves, being a large majority of the population. Single individuals owned large numbers. Alcuin, an Anglo-Saxon abbot, had ten thousand.

The usual sources of slavery were recognized among the Saxon laws. Birth, sale, captivity in war, the penalty for crime, are all mentioned as legitimate sources of slavery. From the laws of Henry I, it would appear that a great variety of causes of slavery were recognized at that time: "Servi alii naturâ, alii facto, et alii empcione, et alii redempcione, alii, suâ vel alterius dacione servi, et si qui sunt aliæ species hujusmodi." He reduced them all to two, "servi, alii casu, alii geniturâ."<sup>4</sup>

The condition of the Saxon slave was that of pure slavery. His very existence was merged in the master, so that the maxim of their law was, "omne damnum quod servus fecerit, dominus emendet." The master could inflict corporal punishment *ad libitum*; and while their laws prescribed the "*wegreaf*," or "*weregild*," of a *theow*, when slain by a stranger, no punishment was affixed for his homicide by his master.<sup>5</sup> He was the

<sup>1</sup> They were considered, in Rome, as stupid. Thus Cicero, speaking of the captive Britons, "Ex quibus nullos puto te literis aut musicis eruditos expectare." Ad Art. Lib. IV, 16.

<sup>2</sup> Turner's Anglo-Saxons, Bk. VII, ch. ix; Nithard's Hist. Lib. IV. From *lazzi*, comes the English word *lazy*, so often applied to servants. See Rees's Cyclopædia, "Lazzi."

<sup>3</sup> Turner, as above; Ancient Laws and Institutes of England, *passim*.

<sup>4</sup> Leg. Hen. I, § 76.

<sup>5</sup> Laws of Kings Hlothheare and Eadric, § 1, and note thereto. Wiht. ch. xxiii. The slayer of a slave, by the law of Aethelbert, paid three

subject of sale and of gift. Some of the later kings forbade the sale of a Christian slave to be sent beyond the realm.<sup>1</sup> He could not appear in court except through his lord; nor was he allowed his oath, that privilege being one of the characteristics of a freeman.<sup>2</sup> The slaves were conveyed both by deed and by will, and in juxtaposition with cattle and other personalty.<sup>3</sup> Branding was a common punishment with them; and it would seem, from one expression, that they were sometimes yoked: "Let every man know his teams of men, of horses, and oxen."<sup>4</sup>

It is very certain that the slaves wore around their necks brazen collars, having their own and their masters' names inscribed thereon.<sup>5</sup>

The freedmen were allowed, by the laws of Alfred, as holidays, "xii days at Yule (Christmas), and the day on which Christ overcame the Devil, and the commemoration day of St. Gregory, vii days before and vii days after; one day at St. Peter's tide and St. Paul's; and in harvest, the whole week before St. Mary mass; and one day at the celebration of All-Hallows, and the iv Wednesdays in the iv Ember weeks. To all *theow* men be given to those to whom it may be most desirable to give,

shillings. By the law of Ethelred, the slayer paid one pound. By the same law, the slayer of a freeman paid thirty pounds. Laws of Ethelred, ii, § 5. See also Bacon's Discourse, 35. Alfred procured the passage of the Jewish law, as to the homicide of a slave, or the maiming by loss of eyes or teeth, by the master. Laws, § 17.

<sup>1</sup> Laws of King Cnut (secular), § 3. Laws of Etheldred, viii, § 5, which adds, "*Si quis hoc presumat, sit præter benedictionem Dei, et omnium sanctorum, et præter omnem Christianitatem, nisi pœniteat et emendet, sicut episcopus suus edocebit.*" Laws of William the Conqueror, § 41.

<sup>2</sup> Laws of King Withraed, §§ 22, 23.

<sup>3</sup> Some curious instances are collected in Turner's Anglo-Sax., Bk. VII, ch. ix.

<sup>4</sup> Wilk. Leg. Sax. p. 47.

<sup>5</sup> In Ivanhoe, ch. i, Sir Walter Scott introduces a slave, with his collar on his neck, with the inscription—"Gurth, the son of Beowulph, is the born thrall of Cedric, of Rotherwood."

whatever any man shall give them in God's name, or they, at any of their moments, may deserve."<sup>1</sup>

The working of slaves on the Sabbath, however, was expressly forbidden, and the penalty therefor was the freedom of the slave. If a freedman worked on that day, without his lord's command, he forfeited his freedom. If a slave worked on that day, without his lord's command, "let him suffer on his hide."<sup>2</sup>

The harbinger of a fugitive slave was required to pay the owner the value of the slave.<sup>3</sup> The slaves themselves were not allowed admittance into sacred orders, "ante legitimam libertatem."<sup>4</sup>

The written contracts of that day, which have been preserved, enable us to give accurately the prices of slaves. A half pound was the average price.<sup>5</sup> They were purchased for exportation, until that was forbidden; and Henry states, that at Bristol a brisk slave-trade was carried on, in purchasing Englishmen and exporting them to Ireland for sale.<sup>6</sup> And William of Malmsbury states, that it seems to be a natural custom with the people of Northumberland, to sell their nearest relations.<sup>7</sup>

It would seem, from the fact that slaves purchased their freedom sometimes, that the indulgence of masters allowed them something similar to the Roman *peculium*. Theft appears to have been a common offence with them, and the master was made responsible therefor, unless he showed, by his oath and compurgators, that it was done without his command. In the event of their committing homicide, they were required to be delivered to the avengers of blood; and for other offences, branding was

<sup>1</sup> Laws of King Alfred, ch. xliii.

<sup>2</sup> Dooms of King Ina, § 3.

<sup>3</sup> Laws of King Ina, § 30.

<sup>4</sup> Laws of Henry I, ch. lxviii.

<sup>5</sup> Turner has collected several; Bk. VII, ch. ix.

<sup>6</sup> Hist. vol. iv, p. 238; Barrington on Statutes, 274; Bancroft's United States, i, 162.

<sup>7</sup> Lib. I, ch. iii; consult also Strabo, Lib. IV, p. 199 (ed. Paris, 1620).

a common punishment.<sup>1</sup> We have already mentioned the punishment for the homicide of a slave. The rape of a female slave was also punished by a fine.<sup>2</sup>

Manumission *at the altar*, is mentioned as early as the laws of King Wihtraed (about the year 700), as an existing and established custom.<sup>3</sup> The laws of William the Conqueror prescribe other modes of manumission, evidently borrowed from the continent, viz., the declaration of freedom before the County Court, the "*ostendens ei liberar vias et portas*," the giving to him of the arms of a freeman, a lance and a sword.<sup>4</sup> The laws of Henry I are very full in prescribing additional modes of effecting manumission.<sup>5</sup>

The records of ancient wills exhibit a number of cases of emancipation by will. The causes operating upon the testator were usually gratitude and benevolence. One instance is given of two Irishmen who were freed for the sake of an abbot's soul.<sup>6</sup>

The effect of manumission was simply to release the slave from the bondage of the master. It did not place him upon the footing of a free citizen. "Thus," says Bacon, "though they had escaped the depth of bondage, yet attained they not to the full pitch of freemen; for the lord might acquit his own title of bondage, but no man could be made *free* without the act of the whole body. And therefore the historian (Tacitus) saith, that they are not *multum supra servos*, or scarce not servants. . . . Those are, nowadays, amongst the number and rank of such as are called *copyholders*, who have the privilege of *protection* from the laws, but no privilege of *vote* in the making of laws."<sup>7</sup>

<sup>1</sup> Laws of King Ina, ch. lxxiv; Laws of King Aethelstan, Ordinance 3; Laws of King Ethelred, ch. ii; Laws of King Cnut, ch. xxxii.

<sup>2</sup> Laws of King Alfred, ch. xxv.

<sup>3</sup> Ibid. ch. viii.

<sup>4</sup> Ibid. ch. xv.

<sup>5</sup> Ibid. ch. lxxviii.

<sup>6</sup> See Turner, Bk. VII, ch. ix.

<sup>7</sup> Discourse of the Laws and Government of England, by Nath'l Bacon (1739), p. 35; see also Glanville, Lib. V, ch. v.

The Christian religion, and other causes, combined both to promote manumission and to ameliorate the condition of the Saxon slaves.<sup>1</sup> King Alfred procured the adoption of the Jewish law, that whosoever bought a Christian slave, the time of his servitude should be limited to six years, and on the seventh he should go free, with his wife, if he brought her with him. But if the master had given him a wife, she and her children remained. If he chose to continue a slave he might do so.<sup>2</sup> So Edward the Confessor ordained: "That the lords should so demean themselves towards their men, that they neither incur guilt against God, nor offence against the king: or which is all one, to respect them as God's people and the king's subjects."<sup>3</sup>

The invasion of the Normans had considerable effect upon the Saxon slavery. The followers of the Conqueror were accustomed to the feudal system. In accordance with it, they reduced to a state of vassalage, indiscriminately, both masters and men.<sup>4</sup> The most ruinous oppressions were resorted to, to extort the last cent, from which "neither the poor man's poverty, nor the rich man's abundance, protected them."<sup>5</sup> The very existence of a common oppressor, and of a common hatred, produced a feeling of kindness and sympathy, lessening the distance between the master and his villain. When the fruits of the slave's industry were taken from the master by oppressive taxation, and the slave ceased therefore to be valuable, the lord either manumitted him, or by disuse lost his absolute control. Thus by degrees villan-

<sup>1</sup> Edwards's Ecclesiastical Jurisdiction, § 37.

<sup>2</sup> Wilk. Leg. Sax. 29; Alfred, in his will, "In the name of the living God," forbade his heirs to invade the liberty of those men whom he had set free. Edwards's Ec. Jur. § 55.

<sup>3</sup> Bacon's Discourse, as above.

<sup>4</sup> Fitzherbert gives this account of it; see Bar. on Statutes, 307; see Black. Comm. Bk. II, p. 92.

<sup>5</sup> William of Malmsbury, Bk. IV, ch. i. Roger of Wendover's Chronicle, A.D. 1085.

age, with its acknowledged rights to the villain, was substituted for the ancient Saxon slavery.

Pure or base villanage, however, was only a modified slavery. Their service was uncertain, and entirely within the discretion of the lord. They were liable to corporal chastisement and imprisonment.<sup>1</sup> They were incapable of acquiring property, except by the lord's permission; the rule of law being "*quicquid acquiritur servo, acquiritur domino.*" They could not purchase their own liberty, because, says Glanville, "*omnia catalla nativi intelliguntur esse in potestate domini sui.*"<sup>2</sup> They could be sold and transferred, if *vileins in gross*, ad libitum; if *vileins regardant*, with the land. They descended as chattels real to the heir, and their condition was transmitted to their posterity; the *status* of the father determining their condition, contrary to the rule of the civil law.<sup>3</sup> They could not be heard as witnesses or suitors against their lord; nor were they allowed their oath in any case, the privilege of being sworn being the privilege of a freeman.<sup>4</sup> If the villain ran away, or was purloined from the lord, he might be retaken or re-

<sup>1</sup> The Stat. of 1 Rich. II, recites, that the villeyns had assembled riotously, and endeavored to withdraw their services from their lords; not only those by which they held their lands, but likewise the services of their body; and provides for their imprisonment at the will of the lord, without bail or mainprise. Barrington on Stat. 299. This oppression was the occasion of the insurrection under Wat Tyler and Jack Straw. Ib. 300.

<sup>2</sup> Lib. V, ch. 5. Bracton describes a villain as one, "*ubi scire non poterit vespere quale servitium fieri debet mane.*" Lib. IV, fol. 208.

<sup>3</sup> Glanville, Lib. V, ch. vi; Bracton, fol. 4; Fleta, Lib. I, ch. iii; and The Mirror, ch. ii, sect. 28; all declare that the villanage of either parent makes the issue bond.

<sup>4</sup> Black. Comm. Bk. II, p. 93; Glanville, Bk. V, ch. v. Some of the rights exercised by the lord are hardly to be credited; such as the "*jus laxandæ coxæ sponsarum vassallorum.*" The same author informs us, "*In dominum peccat vassallus, si dominum cucurbitaverit, sive ejus uxore concubiverit vel etiam conatus fuerit, turpiter contrectando, vel osculando.*" Struvii Jur. Feud. p. 541, cited Bar. on Stat. 306, 307.



covered by action, "like beasts or other chattels."<sup>1</sup> As to persons other than the lord, the villain had some recognized rights. He could sue if his lord did not interfere. He could be executor. He could purchase and sell, if done before his lord took possession.<sup>2</sup>

The lord could not kill or maim his villain, and an appeal of murder lay at the instance of the relatives of a murdered serf.<sup>3</sup>

Base villanage gradually gave place to privileged villanage, by which the services due the lord were made fixed and determinate, and generally payable in money. The latter have still their relics in Britain, in the *copyhold* tenures.<sup>4</sup> The last instance of a claim of base villanage in the courts of justice, is said to be found in the fifteenth year of James I.<sup>5</sup> Edward III, when in need of funds, gave to a manumitted villain, John Simondson, a general power to go through the royal manors, and grant manumission to all the vassals thereon for a certain composition in money. This example of the sovereign was followed by many other lords in similar need, and to this, among other causes, may be attributed the extinction of villanage.<sup>6</sup> In 1574, we find a commission issued by Queen Elizabeth, for inquiry into the condition of "all her bondmen and bondwomen in the counties of Cornwall, &c., such as were, *by blood*, in a *slavish* condition, and to compound with them for their manumission and freedom."<sup>7</sup> The benevolence and negligence of lords, and the unfruitfulness of villain services (especially

<sup>1</sup> Black. Comm. Bk. II, p. 93.

<sup>2</sup> Co. Lit. Bk. II, ch. xiii.

<sup>3</sup> Ibid.

<sup>4</sup> So says Coke and Blackstone, Comm. Bk. II, 96. But Lord Loughborough questions the correctness of this opinion as to the origin of copyholds. Dougl. 698.

<sup>5</sup> See Mr. Hargraves's argument, and Lord Mansfield's decision, in Somerset case, 20 Howell's State Trials.

<sup>6</sup> Barr. on Statutes, 304, 305.

<sup>7</sup> Rymer, quoted in Barr. on Stat. 303.

when confined to the land), may be added as principal causes of the gradual extinction of villanage. It is true, however, in Britain as on the Continent, that the religious houses were the last to grant freedom to their villains.<sup>1</sup>

About the middle of the fourteenth century we find the first of a number of statutes passed by Parliament, the object of which was to compel laborers and servants to work at reasonable wages, and also to regulate their diet, their apparel, and their games.<sup>2</sup> Other acts gave to the justices of the peace the power to rate wages, and fix prices of work.<sup>3</sup> When the employers ceased to be dependent on laborers, and the provision as to justices rating wages, would work beneficially to the laborer, Parliament repealed the act; and when, in 1824, the Arbitration Act was passed, a provision was inserted, prohibiting the justices from establishing wages, without the consent of both master and workmen.<sup>4</sup>

In Scotland, the colliers, coalbearers, and salters continued in a state of actual personal bondage to a much later period than we find villains in gross in England. In fact, freedom was not acquired by them till the passage of the Act of 39 Geo. 3, c. 56. Nearly a quarter of

<sup>1</sup> Black. Comm. Bk. II, 95, 96; Barr. on Stat. 309; Sir Thom. Smith, Comm. Bk. III, ch. x.

<sup>2</sup> The curious will be amused with some of these provisions. "No servant nor common laborer shall wear, nor suffer their wives to wear in their clothing, any cloth, whereof the broad yard shall pass the price of two shillings. Nor shall they suffer their wives to wear any veile or kercheffe, whose price exceedeth twenty pence; nor any hosen, whereof the paire shall pass eighteen pence." No valet, or under that degree, "shall use, nor wear in array for his body, any bolsters, nor stuffs of cotton, wool, or cadas, nor other stuffing in his parer point," &c. &c. 3 Edw. IV, c. v; 22 Edw. IV, c. i. Sampson on Codes and Common Law, pp. 131, 132, 133; Smith on Master and Servant, Introd. p. 29, &c.

<sup>3</sup> 5 Eliz. c. iv; 29 Geo. 2, c. xxxiii; 20 Geo. 2, c. xix.

<sup>4</sup> Smith on Master and Servant, Introd. p. 30.

a century before that time an act was passed for the same purpose, but was disregarded by those for whose benefit it was intended.<sup>1</sup> In fact, they esteemed the interest taken in their freedom, to be a mere device on the part of the proprietors to get rid of what they called head or harigald money, payable to them when a female, by bearing a child, added to the live stock of their master's property.<sup>2</sup>

The villains in Ireland were termed *Betaghii* or *Tæagua*.<sup>3</sup> The Irish do not seem ever to have been fond of slaveholding.<sup>4</sup> Their early slaves were Englishmen, all of whom, in 1172, they emancipated by a decree of a national synod.<sup>5</sup> Their subsequent history has been a succession of efforts to rid themselves of political bondage.

The present condition of the laboring classes in Great Britain differs from personal bondage chiefly in the name. Necessity and hunger are more relentless masters than the old Saxon lords. The power of life and death, and the use of corporal chastisement are the mere attendants of slavery; neither are necessary to constitute perfect bondage.<sup>6</sup> When the time and labor of one person are by any means not purely voluntary, the property of an other, the former is a slave and the latter is a master. And it makes no change in their condition, whether the food and clothing of the laborer be furnished him from the obligation to support and clothe

<sup>1</sup> Hargraves's argument, *Somerset case*, 20 Howell's State Trials; Smith on Master and Servant, Int. xxviii, note 2.

<sup>2</sup> See note to *Red Gauntlet*, ch. xxi, p. 265 (Abbotsford edition).

<sup>3</sup> Hence the Irish term of reproach, *Teague*. Barr. on Stat. 303, 306.

<sup>4</sup> Fancy might suggest as the reason for this, the fact that St. Patrick was himself sold, by his father, into slavery, to a Scotchman, whom he served as a swineherd; see *Roger of Wendover's Chronicle*, A.D. 491.

<sup>5</sup> Copley, on Slavery, 82.

<sup>6</sup> Yet the most cruel corporal punishment is used in the English mines. See Cobden's *White Slaves of England*, 33, 34.

one's property, or from the scanty return of nominal wages.

As to food, clothing, residences, and the amount and character of the labor required, the working classes of Britain compare unfavorably with many slaveholding countries.<sup>1</sup> The earnings of the agricultural peasant will barely furnish a support, when he is in health and employment. When out of employment or diseased, he becomes necessarily a pauper. The parliamentary reports give a view of wretchedness, destitution, ignorance and cruelty, in connection with the men, women, and children, engaged in the English mines, which from any less reliable source would be incredible.

From the same reliable evidence we are informed of degradation, poverty, and cruel oppression under which the poor laborers, of every age and sex, groan and exist in the factories and workshops of the United Kingdom. The use of the lash is no uncommon resort of the bosses, and the fear of starvation bars up the door of justice.

The menial and liveried servants of Britain share a fate not much superior. Actual, corporal cruelty is not so frequent, and detection and punishment more certain; yet, the abject submission required, and the contemptuous treatment received, break the spirit of the slave, and give food to the insolence of the master.

A prominent evil to which the poor of Britain are subjected, is their miserable homes. Crowded into a single

<sup>1</sup> Says M. De Beaumont, "J'ai vu l'Indien dans ses forêts; j'ai vu le noir dans l'esclavage, mais je n'ai vu aucune misère qui puisse être comparée à celle de l'Irlandais." Quoted by M. Levassieur, who adds, "Nous avons vu à Dublin même des hommes qu'on eut pris pour des spectres, et à leur approche nous détournions involontairement les regards, car ils avaient l'aspect du cadavre." *Esclavage de la race noire*, pp. 40, 41. Carlyle compares the condition of the Saxon slave with the modern peasant; and, after showing its preferableness, concludes, "Liberty, I am told, is a divine thing. Liberty, when it becomes the liberty to die by starvation, is not so divine." *Past and Present*, Bk. III, ch. xiii.

room, of all sexes and ages, filth, disease, vice, and crime, are the inevitable consequences. To this, add a degree of ignorance appalling, in so old and civilized a nation, and the result is not astonishing that so many of the children should be thieves, and the women prostitutes, and the men paupers.<sup>1</sup>

The Parliament of Great Britain, at the instance of great and good men, have not been backward in striving, by legislation, to stay the oppressor's hand ; to give air and light, and food and clothing to the caged children ; to encourage all improvement in the lodging-houses for the poor ; in fact, to remedy every evil within the reach of their legislation, without giving too violent a shock to the great agricultural, mechanical, and commercial interests. Nor has the philanthropy of England been exclusively extended abroad. Private and associated charity have done much to relieve suffering humanity. Yet after all that charity enlightened by religion, and legislation guided by humanity, can do, the picture we have drawn is not overcolored, when applied to the actual condition of many of their poor. How these evils shall be remedied is a problem yet unsolved, and to-day taxing the thoughts and burdening the hearts of the wise and good of the land.

<sup>1</sup> In addition to the Reports to Parliament, I have relied upon the following authorities: Mayhew's London Labor and London Poor; Cobden's White Slaves of England; Dickens's Household Words, ix, 398; Silliman's Second Visit to Europe, i, 31; Dr. Durbin's Observations in Europe, ii, 120, 170, 171, ch. xii, at large; The Glory and Shame of England; Prime's Travels in Europe and the East, i, 149, 173, 182; Chartism, by Thomas Carlyle.

## CHAPTER IX.

### NEGRO SLAVERY AND THE SLAVE-TRADE.

WE cannot go back to the origin of negro slavery.<sup>1</sup> We have seen that the earliest authentic histories and monuments exhibit the negro in a state of bondage.<sup>2</sup> From that time to the present he has in greater or less numbers ever been a slave. Whether this condition is the curse on Canaan, the son of Ham, as many religiously believe, and plausibly argue, it is not our province to decide. The investigation would lead us into tempting but too extensive fields for our purpose. The fact exists undeniably, be the cause what it may. Nor is it our purpose to describe the oppressive slavery to which the negro is subjected in his own land and at the hand of his fellows. Both master and slave being barbarians, we could expect to find only the most savage and cruel forms of slavery. The ingenuity of an enlightened intellect could scarcely, by effort, devise the numerous and skilful and horrid cruelties of these barbarian masters.<sup>3</sup>

<sup>1</sup> Herodotus, the oldest Greek historian, commemorates the traffic in slaves, Lib. IV, c. clxxxi.

<sup>2</sup> "We have effigies of negroes, drawn by six different nations of antiquity: Egyptians, Assyrians, Persians, Greeks, Etruscans, and Romans, from about the eighteenth century before Christ, to the first centuries of our own era." See *Indigenous Races of Man*, 190.

<sup>3</sup> To those disposed to pursue this inquiry, the following works will give most ample information: *Travels of Park, Clapperton, Saunders, and others, passim*; *Capt. Canot, or, Twenty Years of an African Slaver*; *Bayard Taylor's Journey into Central Africa*; *Buxton's Slave-Trade and its Remedy*, Pt. I, ch. iv; *Edwards's West Indies*, vol. ii, ch. xvii.

In the ecclesiastical annals of Ortiz de Zuniga it is mentioned, that a traffic in negro slaves to the city of Seville existed as early as A.D. 1399. There certainly were large numbers in Seville at the time he wrote (1474); but the former statement seems doubtful. In 1442, some Moors who had been captured by the Portuguese, proposed to purchase their liberty by a ransom of negro slaves. Prince Henry of Portugal instructed Goncalvez to accept the ransom, for whatever negroes he should get "he would gain souls, because they might be converted to the faith, which could not be managed with the Moors."<sup>1</sup> Ten negro slaves were obtained; and around this nucleus, thus commenced, either from true or pretended religious zeal, was gathered that immense trade, for which Spain, Portugal, and England, for centuries, contended, and which has since been branded as piracy by almost every civilized nation of the world.

The horrors of the trade seem to have commenced with its beginning, and there were generous hearts to weep over them then, as there were in after years. The good chronicler, Azurara, thus opens his description of a division of captive slaves, in the year 1444: "O thou heavenly Father! I implore thee that my tears may not condemn my conscience, for not its law but our common humanity constrains my humanity to lament piteously the sufferings of these people." The good man, after describing the scene, thus concludes, "And I, who have made this history, have seen in the town of Lagos, young men and young women, the sons and grandsons of those very captives born in this land, as good and as true Christians as if they had lineally descended since the commencement of the law of Christ, from those who were first baptized."<sup>2</sup>

<sup>1</sup> The Conquerors of the New World and their Bondsmen, i, 28, 29; Edwards's West Indies, ii, c. xv. *La traite et son origine*, par M. Schoelcher.

<sup>2</sup> The Conquerors, &c. i, 33, 36.

The success of the first expeditions encouraged the Portuguese, and they sent out, in successive years, numerous expeditions, each with instructions "to convert the natives to the faith." This, and discovery, were the paramount objects with the early Portuguese expeditions. The slaves obtained by them, were in exchange for merchandise with slave-dealers, who brought them from the interior; and until the discovery and colonization of America, there was no market for the slaves sufficient to excite the covetousness and other evil passions of men.<sup>1</sup>

The discovery of America in 1492 was an event, the effect of which upon the civilized world can never be calculated, and perhaps is seldom fully apprehended. Upon the subject we are now considering, it was both the forcing-bed, and yet the broad field. It stimulated enterprise and discovery. It furnished a receptacle for the innumerable slaves which the African petty kings offered in exchange for the manufacture and gaudy trinkets of Europe. The demand necessarily increased the supply, and of course gave stimulus to the petty wars and marauding expeditions by which that supply was effected; and thus we might travel from cause to effect almost *ad infinitum*.

The same religious fervor which governed and controlled the action of the Portuguese, in their early conduct towards the negro slaves, seems to have been the ruling passion with the Spaniards in their discoveries in the New World. Hence, we find the pious Herrera chronicling the death of the first baptized Indian, as the pioneer of that nation in his entry into heaven.<sup>2</sup> The

<sup>1</sup> Ibid. 37 to 75. Expedition of Ca da Mosta, Astley's Voyages, i, 574. He places the exportation at seven to eight hundred per annum. But this was evidently more than the truth.

<sup>2</sup> Dec. I, Lib. II, cap. 5. The proclamation made by the voyagers to the Indians, is a curious picture of the notions of those times. After telling them of the creation of the world, it traced title thereto to



same spirit is breathed in all the early instructions of the government to Columbus. The prime object is to bring all the dwellers in the Indies to a knowledge of the sacred Catholic faith, and to that end he is charged to deal *lovingly* with the Indians.<sup>1</sup> The Admiral, fully appreciating his instructions, in 1494, sent home some Indians, "as slaves, to be taught Castilian, and to serve afterwards as interpreters, so that the work of conversion may go on."<sup>2</sup> It was not a difficult task for the Spaniards to convince themselves, that in enslaving the Indians they were doing God's service; and hence, we find their captives first, and afterwards the unoffending neighboring natives,<sup>3</sup> by thousands, reduced to the most abject slavery. The fields and the mines of their conquerors were soon filled to overflowing with these easily acquired laborers; and so different a life was this from the indolent habits of a people, whose generous land had ever supplied their scanty wants without toil or care, that it is not strange that we should hear piteous tales of their sufferings under their new masters. It would be aside from our subject to give a minute detailed account of

St. Peter, and thence to the reigning Pope. It then recited the grant of the Indies, by the Pope, to the sovereigns of Castile; and after urging the Indians to acknowledge their fealty to these sovereigns, it threatened them with war and slavery if they refused. The historian adds: "We may fancy what ideas the reading of the document conveyed to a number of Indians sitting in a circle, squatting on their hams." The Conquerors, &c., vol. ii, 117.

The question of the legality of the Indian enslavement was frequently discussed in Spain, and submitted by the King to both learned lawyers and divines. Their various opinions, and the reasons given for them, are curious and amusing. See Conquerors of the New World and their Bondsmen, vol. i, *passim*.

<sup>1</sup> The Conquerors, &c., i, pp. 118, 119.

<sup>2</sup> Ibid. 121.

<sup>3</sup> Isabella seems, at first, to have been much horrified at the enslavement of Indians not captives in war, and has been much applauded for proclamations she caused to be made, ordering all such to be restored to freedom. Herrera, Dec. I, Lib. IV, cap. vii; quoted in The Conquerors, &c., i, 155.

these sufferings. Suffice it to say, that they broke the spirit of a people so long accustomed to freedom, and constitutionally so little qualified for slavery, and that they sickened and died under the restraint. The race dwindled away, both in physical capacity and numbers, and the fact was soon demonstrated, that though morally heathen, and intellectually the inferior race, still the Indian was not by nature qualified and capacitated for bondage. It was this fact, and the observation of these sufferings, which induced the good Las Casas, the early friend of the red man, to remonstrate with his government against this system, and to urge the importation of negroes, accustomed in their native land to a state of bondage, and whose physical and intellectual development improved while in slavery. The wisdom and the piety of the good man have both been severely censured for this advice, by which, it is said, he enfranchised one race by enslaving another. But the subsequent history of the races, and the observation of the world, will eventually vindicate both his far-seeing wisdom and his broad benevolence.<sup>1</sup>

The first mention made of negroes carried to the New World, we find in the instructions given by the Spanish court to Ovando, in the year 1501, by which negro slaves, "born in the power of Christians," were allowed to be sent to the Indies.<sup>2</sup> In 1510 and 1511, we find frequent mention of negro slaves sent by the mother country, although the numbers did not increase very fast up to the

<sup>1</sup> Las Casas, though much censured, was not alone in his recommendation of this policy. Herrera says, "This project was rather that of the Cardinal Tortosa." Dec. II, Liv. II, ch. xx. This cardinal afterwards occupied the Holy See, as Adrian V. In 1516, a proposition similar to that of Las Casas, was made by the Three Fathers of the Order of St. Jerome. So also the orders of Ferdinand, dated in 1512 and 1513, refer to representations of like import, from the Franciscan friars. *La traite et son origine; Colonies Etrangères*, par M. Schœlcher, i, 373.

<sup>2</sup> The Conquerors, &c., i, 170; Irving's Columbus, Bk. XIV, ch. iii.

death of Ferdinand, in 1516. The last notice we have of this trade during his reign, was a reply of his to a request from the Bishop of Conception, in Hispaniola, for more negro slaves, in which he says, that there are already many negroes, and it may bring inconvenience if more male negroes should be introduced into the island.<sup>1</sup> It would seem from this, that up to that time none but grown males had been sent over; and it is true, that up to his death no private enterprise was engaged in this traffic. All the negroes were sent by order of the government.<sup>2</sup> To his successor, Charles V, it was left to grant the first license to De Bresa, one of his Flemish favorites, for the importation of negroes into the West Indies. This license or patent was sold to some Genoese merchants for 25,000 ducats, and here may be properly dated the commencement of the slave-trade proper.<sup>3</sup>

By this time, the Indian population of Hispaniola had decreased from 3,000,000, the number at the date of its discovery, according to Las Casas, and 1,130,000, according to Tuazo, to about ten to twelve thousand. Such mortality is almost incredible.<sup>4</sup> The result, however, was a still more urgent cry for negro laborers. From the governors, the priests, and the people, one united

<sup>1</sup> The Conquerors, &c., vol. ii, 214, 215.

<sup>2</sup> Bancroft states the opposite, and says, "Herrera is explicit." I have not access to this book. Irving, who wrote from the same sources, viz., the MS. of Las Casas, from which Herrera compiled this portion of his work, gives a synopsis of the ordinances of Ferdinand, which agree with the text; see Irving's Columbus, Appendix, No. 28; Bancroft's United States, i, 170.

<sup>3</sup> Ibid. 230, 231; Robertson's America, i, 163 (Harper's Ed.); Irving's Columbus, as above.

<sup>4</sup> Ibid. ii, 206, 207. We are told that whole villages of Indians committed suicide, to escape this bondage. Some villages invited others to join them in the dreadful work (198, 199). The free Indians had no better fate. Wishing to starve out the Spaniards, they agreed to plant no crops for a year. The result was, numbers of them died of starvation (vol. i, 137, 138). Prescott's Ferdinand and Isabella, Pt. II, c. xxvi, and the authorities referred to by him.

voice demanded negro slaves. The Genoese merchants who had purchased the patent, sent over cargoes of slaves, but the prices were so high that the people refused to purchase. Las Casas and the Jeronimite priests, whose business it was to protect the Indians remaining from oppression, joined in suggesting to the King to pay back to the Genoese merchants their 25,000 ducats, and allow the free importation of negroes by the Spaniards, paying De Bresa the custom duties.<sup>1</sup> So great was the demand for labor at this time, that the colonists fitted out vessels to cruise on the coast of the mainland, and by traffic and by force made slaves of the Indians, whom they took back to Hispaniola.<sup>2</sup>

The superiority of negroes as slaves over Indians was early demonstrated by the Spaniards. Vasco Nunez, wishing to explore the sea beyond the Isthmus, cut his wood and prepared his timbers for four brigantines on the Atlantic side, and thence carried them across the Isthmus until he reached the waters flowing into the Pacific. In this work he employed numerous Indians, thirty negroes, and a few Spaniards. Five hundred Indians perished in executing this terrible labor. Not a single negro died.<sup>3</sup> "The Africans," says Herrera, "prospered so much in the island of Hispaniola, that it was the opinion, unless a negro should happen to be hanged, he would never die; for, as yet, none had been known to perish from infirmity. Like oranges, they found their proper soil in Hispaniola, and it seemed even more na-

<sup>1</sup> Ibid. ii, 268, 270, 271, 273. This was very different from the remonstrance of Ovando, in 1503, at the number of negroes in the colony. Irving's Columbus, Appendix, No. 28, p. 418.

<sup>2</sup> Robertson's America, i, 167, 168. It appears that there was slavery among the Indians on the Continent, along the present coast of Mexico and Central America; as we find slaves among the subjects of their sacrifices, and also presents of slaves to the early explorers. The Conquerors, &c., ii, 8, 73.

<sup>3</sup> The Conquerors, &c., vol. i, 150, 151.

tural to them than their native Guinea.”<sup>1</sup> An ordinance of the Spanish Court, in 1511, gives the secret of the slave-trade, wherein it was decreed that “a large number of negroes should be transported to the colonies, because *one negro does more work than four Indians.*”<sup>2</sup>

Cardinal Ximenes has received undeserved praise for his opposition to the patents granted by Charles V, for the furnishing of negro slaves to the Indies, the praise being based upon his supposed benevolence and spirit of justice.<sup>3</sup> The reasons assigned by the historians for this opposition vary, but the more plausible one is, that his sagacity foresaw that the numbers of negroes would be greatly multiplied in a climate so favorable to their race, and that revolt would be the inevitable result.<sup>4</sup> This result was hastened beyond the expectation of the statesman, for as early as 1522 there was a revolt among the negroes of Hispaniola. The number engaged in it was small, and their punishment exemplary, and their example was not followed for many years.<sup>5</sup> This revolt was doubtless the effect of cruel treatment; yet, we must admit that while the Spaniards were brutal in their conduct, both to the Indians and the negroes, yet their government, as exhibited through their ordinances and instructions, was ever anxious to mitigate these evils, having the care of souls and the conversion of the heathen as the paramount objects, and the discovery of gold as a secondary but eagerly desired consummation. The latter object was obtained, but in the words of an elo-

<sup>1</sup> Hist. Ind. Lib. II, Dec. III, c. iv.

<sup>2</sup> La traite et son origine, par M. Schœlcher; found in Colonies Etrangères, i, 369.

<sup>3</sup> Robertson's America, i, 163; Copley, on Slavery, 3.

<sup>4</sup> Irving's Columbus, Appendix, No. 28, p. 418; The Conquerors, &c., ii, 231, et not.; Colonies Etrangères, par M. Schœlcher, i, p. 367; Histoire du Cardinal Ximenes, par Marsollier, Liv. VI.

<sup>5</sup> Irving's Columbus, App. No. 2, p. 303; Herrera, Dec. III, Liv. IV, ch. ix. He mentions a previous attempt in 1518. Dec. II, Liv. III, ch. xiv.

quent historian, "the nation, like the Phrygian monarch who turned all he touched to gold, cursed by the very consummation of its wishes, was poor in the midst of its treasures."<sup>1</sup>

No religious zeal prompted the English nation in their participation in the African slave-trade. In 1553, we are informed by Hakluyt, twenty-four negro slaves were brought to England from the coast of Africa. The virtuous indignation of the people seems not to have been aroused, but the slaves were quietly sold as in other markets. The introduction of negro slaves into that country continued without question as to its legality, until the trial of the celebrated Somersett case, in 1771, when it was discovered that even as far back as the eleventh year of Elizabeth's reign, in the case of the Russian slave, it had been solemnly adjudged that the air of England was *too pure for a slave to breathe in*. And yet strange to say, in 1 Edward VI, c. iii, certain vagabonds and idle servants were by Parliament declared to be *slaves* to their masters; and still stranger, while the Russian slave was thus enjoying the pure air of England, the virtuous Elizabeth was sharing the profits and participating in the crimes of the African slave-trade.<sup>2</sup>

Sir John Hawkins has the unenviable distinction of being the first English captain of a slave-ship, about the year 1562. His first cargo, landed in Hispaniola, yielded a rich return in the tropical production with which his ships returned laden to England. The news of his success attracted the notice of the reigning sovereign Eliza-

<sup>1</sup> Prescott's Ferdinand and Isabella, Pt. II, ch. xxvi.

<sup>2</sup> Barrington, on Statutes, 312, and N. S. The present philanthropists of Britain are greatly horrified at the advertisements in American newspapers, carefully collated by American abolitionists. To such we commend the files of old English journals, in the British Museum; where they will find negro runaways and negro sales advertised, with as much naïveté as their virtuous ancestors could assume. See London Quarterly Review, 1855, Art. Advertising.

beth, and in the subsequent expeditions of this most heartless manstealer, she was a partner and protector. The account given by an eye-witness of one of these expeditions, exhibits an amount of brutal atrocity and heartless cruelty but seldom equalled and never surpassed in the subsequent history of the slave-trade.<sup>1</sup> During the reign of James I (1618), a charter was granted to Sir Robert Rich and his associates, merchants of London, for the exclusive privilege of carrying on the slave-trade from the coast of Guinea. A second charter was granted to a company during the reign of Charles I (1631), and so extensive were their operations, that at vast expense they erected numerous forts and warehouses on the coast of the West Indies for the defence of their commerce. During the reign of Charles II (1662), a third company with exclusive privileges was chartered. The Duke of York, the King's brother, was at the head of this company. They engaged to furnish the West Indian colonies with three thousand slaves annually.

In 1672, the fourth and last exclusive company was chartered, under the name of the Royal African Company, including among its stockholders, the King, his brother, the Duke of York, and others of distinguished rank. This Company continued its existence until the Revolution in 1688, when Parliament abolished all exclusive charters. They continued their operations, however, seizing the ships of private traders. In 1698, the trade to the African coast was by Act of Parliament made free to all persons, upon the payment of certain duties; negroes and gold, however, were exported free of duty. This act operating hardly upon the "Royal African Company," Parliament voted them annually from 1739 to 1746; £10,000.<sup>2</sup>

<sup>1</sup> Edwards's West Indies, ii, 355, et seq.; Bancroft's United States, i, 173. Rev. John Newton, in his Thoughts upon the African Slave-Trade, p. 33, bears testimony to the humanity of the Portuguese traders, and to the contrary and cruel and selfish policy of the English traders.

<sup>2</sup> Edwards's West Indies, ii, 359-363. The magnitude of the trade

But while the monopoly of the Company was destroyed, the monopoly of British subjects in furnishing slaves to British colonies was strictly secured. Ten judges (among them Holt and Pollexfen), declared that "negroes are merchandise," and hence, within the Navigation Acts.<sup>1</sup>

France was not blind to the vast profits arising from the trade, nor remiss in taking measures for supplying her colonies with slaves, the source of their wealth, and also in protecting the trade with the African coast, and by proper regulations.<sup>2</sup>

Portuguese and French companies, at sundry times, procured *assientos* from the Spanish government, granting to them the privilege of furnishing slaves to the Spanish colonies. At the conclusion of that granted to the Royal Guinea Company of France, in 1713, a treaty was entered into between Philip V, King of Spain, and Anne, Queen of Great Britain, by which the privilege of furnishing negro slaves to the Spanish West Indies, Buenos Ayres, and other Spanish colonies, was secured to British subjects. This treaty was to last for thirty years, within which time at least 144,000 negroes were to be imported. The Spanish sovereign reserved to himself a duty *per capita* on the negroes, and also *one-fourth* the net profits, as well as five per cent. upon the remaining *three-fourths*. He bound himself to furnish one vessel of five hundred tons burthen. Her Britannic Majesty's share of the profits is recognized by the treaty (Sec. 29), but the exact amount is not specified.<sup>3</sup> A distinct tribunal is established for the ascertainment and settle-

with Africa, at this time, is hardly appreciated by those who have not made it a subject of inquiry. The curious are referred to a very full table, showing the amount of merchandise sent in British vessels, from 1701 to 1787, in McPherson's *Annals of Commerce*, iv, 153.

<sup>1</sup> 3 Bancroft's *United States*, 414.

<sup>2</sup> Valin, tom. i, 411; cited in 2 *Mason Rep.* 420.

<sup>3</sup> Bancroft says one-fourth, and this seems to be the intention; vol. ii, p. 232.



ment of the shares of these high contracting parties, and extraordinary privileges are granted for the collection from the purchasers, of the price of the slaves.<sup>1</sup> Her Majesty, in her speech to Parliament announcing this treaty, boasted of her success in securing to Englishmen a new market for slaves.

Not only the fact of the making of this treaty, and of the royal partners in the enterprise, but the contents of the paper itself, show the sentiment of the day in relation to this subject. The eighth section declares, that experience has shown the prohibition to import negroes into certain provinces to be very prejudicial to the interest of his Catholic Majesty; "it being certain that the provinces which have not had them, endured great hardships for want of having their lands and their estates cultivated, from which arose the necessity of using all imaginable ways of getting them, even though it were fraudulently."

The provisions of this treaty also indicate the care taken for the health and comfort of the slaves during the passage. Twelve hundred being required for Buenos Ayres and Chili, it is provided, that four large vessels shall be used in their transportation. Other sanitary regulations were prescribed. While the trade was thus regulated by law, the "horrors of the middle passage" were not enacted, at least to the extent which was subsequently developed.

The non-payment to Spain of the amounts due her under this treaty, was the principal cause of the war declared in 1739, and ended by the peace at Aix-la-Chapelle, in 1748.<sup>2</sup>

By various acts of Parliament, the trade in slaves was regulated and encouraged. As late as 23d George II (1749-50), we find indirect encouragement given to the

<sup>1</sup> This treaty may be found in full, in *Collection of Treaties*, vol. iii, 375, London, 1782.

<sup>2</sup> Smollett's *Hist.* Bk. II, ch. vi.

traffic, in the "Act for extending and improving the trade to Africa;" and the fact is spread upon the statute-book, that "the slave-trade is very advantageous to Great Britain." The last act regulating the trade was passed in 1788.<sup>1</sup>

In the meantime large numbers of negro slaves were introduced into the British Isles, and were held in subjection without question as to their master's title. At one time, the negro page was indispensable to the English lady on her daily walks through the city thoroughfares; and for fear "the pure air of Britain" might engender beneath his thick skull some idea of liberty, the collar, known to the Roman slave, was fastened around his neck, with the name and residence of his mistress neatly engraved thereon.<sup>2</sup>

The other nations of Europe did not, as we have seen, leave this profitable trade entirely in the hands of the English. The Portuguese furnished not only their West Indian colonies, but also their East Indian possessions, the latter trade being supplied from Mozambique. To insure humane treatment, they used negro seamen, and offered premiums for every slave transported safely.<sup>3</sup> The Dutch carried on a similar trade to their colonies, confining the privilege to their own vessels.<sup>4</sup> The French government, to encourage the trade, in the year 1784, gave a bounty of forty livres upon every ton of the vessels employed therein, and a premium of sixty to one hundred livres for every negro carried to their different colonies.<sup>5</sup>

<sup>1</sup> Anderson's *Hist. of Commerce*, vi, 905.

<sup>2</sup> See *London Quarterly Review*, 1855, Art. Advertising. The following is from the *London Gazette*, 1694: "A black boy, an Indian, about 13 years old, run away on the 8th inst., from Putney, with a collar about his neck, with this inscription, 'The Lady Bromfield's black, in Lincoln's Inn Fields.' Whoever brings him to Sir Edward Bromfield's, at Putney, shall have a guinea reward." See a similar statement in *Granville Sharp's Just Limitation of Slavery*, p. 34.

<sup>3</sup> *McPherson's Annals of Commerce*, iv, 164.

<sup>4</sup> *Ibid.* 165.

<sup>5</sup> *Ibid.*

In 1607, the first successful English colony was landed at Jamestown, in Virginia. Thirteen years thereafter (1620), a Dutch man-of-war landed twenty negro slaves for sale. This was the germ of negro slaveholding in the territory now occupied by the United States of America.<sup>1</sup> The Spaniards may have introduced them at an earlier day in Florida, but of this we have no certain knowledge. During the next year (1621), the cotton plant was first cultivated in the new province.<sup>2</sup> The negro and the cotton plant seem to be natural allies, and there was something ominous in their almost simultaneous introduction into the New World. For many years, the number of negroes in Virginia was comparatively small; the introduction of the cultivation of tobacco increased the demand, and finally impressed upon Virginia and Maryland the position of slaveholding States.

The enterprise of New England was not tardy in availing itself of the prospect for gain, held out in the cheap labor of negro slaves, and the rich returns of the slave-trade.<sup>3</sup> Among the "fundamentals," or body of liberties adopted in Massachusetts, as early as 1641, we find the distinct recognition of the lawfulness of Indian and negro slavery, as well as an approval of the African slave-trade.<sup>4</sup> The Puritans, however, insisted that the traffic should be confined to those who were captives in war and slaves in Africa. Hence, when, in 1644 or 1645, a Boston ship returned with two negroes captured by

<sup>1</sup> Beverly's *Virginia*, 35; 1 Bancroft's *United States*, 176; Cooper's *Naval History*, 25.

<sup>2</sup> 1 Bancroft, 179. The coffee-tree was introduced in the West Indies, about the beginning of the eighteenth century. There is a species of coffee indigenous to these islands, but not the one cultivated. Du Tour says, that a tree, sent by the magistrates of Amsterdam to Louis XIV, in 1714, is the parent of all those subsequently introduced into the West-Indies. See Rees's *Encyc. "Coffee."*

<sup>3</sup> See *Remarks of Goodall, Slavery and Anti-Slavery*, p. 11. He thinks "the scent of the roses hangs round it still." <sup>4</sup> 1 Hild. *Hist.* 278.

the crew, in a pretended quarrel with the natives, the General Court ordered them to be restored to their native land.<sup>1</sup> In 1754, by an official census, there appears to have been 2448 negro slaves over sixteen years of age in Massachusetts—about 1000 of them in the town of Boston. Manumission was allowed, but only upon security that the freed negroes should not become a burden upon the parish.<sup>2</sup>

Connecticut was not free from the “sin of slavery.” In 1650, Indians who failed to make satisfaction for injuries were ordered to be seized and delivered to the injured party, “either to serve or to be shipped out and exchanged for negroes, as the case will justly bear.” Insolvent debtors also were authorized to be sold to English purchasers, and the proceeds applied to their debts. Negro slavery had been abolished in Connecticut many years before the latter provision was expunged from the statute-book.<sup>3</sup> The proportion of slaves to freemen was greater in Connecticut than in Massachusetts.<sup>4</sup>

Rhode Island joined in the general habit of the day, with the exception of the town of Providence. The community of the heretical Roger Williams, alone placed the services of the black and the white races on the same footing and limitation.<sup>5</sup> In the plantations generally, slaves abounded to a greater extent than in any other portion of New England, and in Newport, the second commercial town of New England, there was a greater proportion of slaves than in Boston.<sup>6</sup>

As early as 1626, the West India Company imported negro slaves among the quiet burghers of New Amsterdam. The city itself owned shares in a slave-ship, advanced money for its outfit, and participated in the profits. The slaves were sold at public auction to the

<sup>1</sup> 1 Hild. 282.

<sup>2</sup> 2 Hild. 419.

<sup>3</sup> 1 Hild. 372.

<sup>4</sup> 2 Hild. 419. Goodall gives some instances of cruel rigor in this State, Slavery and Anti-Slavery, pp. 11–13. I do not vouch for him as reliable authority.

<sup>5</sup> 1 Hild. 373.

<sup>6</sup> 2 Hild. 419.

highest bidder, and the average price was less than \$140. Stuyvesant was instructed to use every exertion to promote the sale of negroes. "That New York is not a slave State like Carolina," says a distinguished historian, "is due to climate and not to the superior humanity of its founders."<sup>1</sup> In New Netherlands, negroes were employed as agricultural laborers as well as domestics. In the city of New York, about the year 1750, the slaves constituted one-sixth of the population. The slave code differed but little from that of Virginia.<sup>2</sup>

New Jersey, it is known, was dismembered from New York when New Netherlands was conquered by England in 1664. In the next year, a bounty of seventy-five acres of land was offered by the proprietaries for the importation of each able-bodied slave. This was doubtless done in part to gain favor with the Duke of York, then President of the African Company.<sup>3</sup>

The Quakers of Pennsylvania did not entirely eschew the holding of negro slaves. It is a mooted question whether William Penn himself did or did not die a slaveholder.<sup>4</sup> In 1712, to a general petition for the emancipation of negro slaves by law, the response of the Legislature of Pennsylvania was, "It is neither just nor convenient to set them at liberty."<sup>5</sup> As early as 1699, Penn had proposed to provide by law for the marriage, religious instruction, and kind treatment of slaves, but there was no response from the legislature. Slaves, however, were never numerous in Pennsylvania, and manumissions were frequent. The larger portion were to be found in Philadelphia, one-fourth of the population of which, about the year 1750, are supposed to have been of African descent.<sup>6</sup>

The Swedish and German colony of Gustavus Adolphus, who formed the nucleus of the subsequent State

<sup>1</sup> 2 Bancroft, 303.

<sup>2</sup> 2 Hild. 419.

<sup>3</sup> 2 Bancroft, 316.

<sup>4</sup> 2 Bancroft, 401, and n. 1; 1 Stephens's Hist. of Georgia, 286.

<sup>5</sup> 3 Bancroft, 408.

<sup>6</sup> 2 Hild. 420.

of Delaware, was designed to rest on free labor; and although negro slavery crept in among them, as early as 1688, the German friends resolved that it was not lawful for Christians to buy or keep negro slaves.<sup>1</sup> Yet slavery retained its foothold, and to this day Delaware is ranked among the slaveholding States.

North Carolina, from its climate and soil, became an inviting field for slave labor, and though many of its early settlers were Quakers, negro slavery soon obtained a sure foothold.

In South Carolina slavery was planted simultaneously with the colony. Sir John Yeamans brought African slaves with him from Barbadoes in 1671. The climate was congenial to the negro, while the miasma of the swamps was fatal to the white laborer. The prosperity and wealth of the planter was in proportion to the number of his slaves, and hence, at a very early day, "to buy more slaves" was the great object of his desire.<sup>2</sup> It is not astonishing, therefore, that the race multiplied so rapidly by importations, that in a few years the whites constituted but little over one-third of the population.<sup>3</sup>

Georgia, on the other hand, is the only colony in which slavery was positively prohibited by its organic law. Rum, Papists, and negroes, were all excluded from the new colony; the former because experience had proved it to be the bane of the colonist, and the destruction of his neighbor, the Indian; the last, not from any principles of humanity to the negro,<sup>4</sup> but as a matter purely of policy; to stimulate the colonists to personal exertions; to provide a home for the poor and starving population of the mother country; to create a colony densely populated with whites, to serve as a barrier

<sup>1</sup> 2 Bancroft, 401.

<sup>2</sup> Wilson's Carolina, 17.

<sup>3</sup> 2 Bancroft, 171.

<sup>4</sup> Oglethorpe himself was Deputy-Governor of the Royal African Company, and owned a plantation and slaves, in South Carolina. 1 Stephens, 287, 288.

against incursions from the Spanish settlements in Florida, and also to promote the cultivation of silk and wine, to which the negro was by no means adapted. The trustees provided laborers in indented white servants, in their judgment better adapted to the wants of the colonists. Experience soon proved the fallacy of their reasoning. The contests between them and the colonists were unceasing and stubborn on this point. The best and wisest of the latter joined in the universal demand for slave labor. The Salzburghers of Ebenezer, accustomed to the labors and exposures of husbandry at home, for a time maintained the policy of the trustees. But the white servants imported, for more than half the year (from March till October), were utterly unable to do service, and to so deplorable a state did the colony arrive, that at last the pastor of these hardy Germans (Mr. Bolzius), beseeched the trustees "not to regard any more our or our friends' petitions against negroes." The great and good Habersham, and the Rev. George Whitefield, the celebrated divine, were the most efficient advocates, in behalf of the colonists, in obtaining a removal of this restriction. The purity of their motives, and their opportunities for personal observation, convinced those who had been deaf to the clamors of the people. The latter distinguished man was himself a planter and a slaveholder, within the borders of South Carolina, the proceeds of his farm being devoted to his darling charity, the orphan-house at Bethesda. In 1749, the restriction was finally removed, after a struggle of fifteen years. At this time Georgia numbered only fifteen hundred inhabitants, and the condition of "her borders" was anything but "blest." Her climate and her soil demanded negro laborers, and her resources began to be developed when this demand was supplied.<sup>1</sup>

The negroes thus introduced into America, were gross

<sup>1</sup> 1 Stephens's Hist. of Georgia, ch. ix.

and stupid, lazy and superstitious. With an occasional exception of a captive warrior, they were only transferred from the slavery of a savage to that of a civilized and Christian master.<sup>1</sup> It is true that their enslavement was justified on the plea that they were heathen, and that, for a time, the idea prevailed extensively, that upon baptism they were enfranchised; but the opinions of Talbot and Yorke, the attorney and solicitor general of England, in 1729, in reply to the inquiry of the planters, satisfied their minds that this proposition was *legally* untrue; while the declaration of Gibson, the Bishop of London, about the same time, that "Christianity and the embracing of the Gospel does not make the least alteration in civil property," quieted their consciences as to the moral question. To make "assurance doubly sure," however, the Legislature of South Carolina, in 1712, of Maryland, in 1692 and 1715, and of Virginia, at sundry times from 1667 to 1748, denied to baptism the supposed effect.<sup>2</sup> To the fact of their improved condition, as well as their natural constitution and habit, the want of a common language, a common sympathy, and a common grief, may be attributed the absence of any concerted attempt at rebellion, even in those colonies where they outnumbered the white population.

We cannot determine, with accuracy, the number of negroes imported into the Colonies prior to their independence. Bancroft, the historian, estimates the number, up to 1740, at 130,000; and prior to 1776, at 300,000. His estimate is as reliable as any we can make.<sup>3</sup> The colonies to which the largest number were brought,

<sup>1</sup> As an evidence of the early attention paid to their Christian teaching, see the provisions made, when first admitted in Georgia. 1 Stephens, 312.

<sup>2</sup> 3 Bancroft, 408, 409; 2 Hild. 426; Plantation Laws (1704), Maryland, p. 50.

<sup>3</sup> Vol. iii, p. 407. Mr. Carey's estimate is 333,000 for the entire importation. See his "Slave Trade," ch. 3.



were not unmindful spectators of this continual influx of barbarians; and hence, we find Virginia, Maryland, and Carolina, not only remonstrating, but passing laws, designed to restrict their importation. But the trade was profitable to the mother country. Every slave added to the treasury. British capital and British commerce were too deeply engaged in the traffic for the voice of the Colonies to be heard, or their interests to prevail; and hence the veto of royal governors, and the withholding of the royal assent, which continually frustrated the will of the people.<sup>1</sup> The Continental Congress of 1776 resolved, that "no slaves be imported into any of the thirteen United Colonies."<sup>2</sup> After the recognition of the independence of the States, the Convention which framed the Constitution of the United States were unanimous in putting a limit upon the introduction of negroes. Massachusetts, whose merchants were engaged in the slave-trade, joined with Georgia and South Carolina in demanding a few more years ere the final prohibition.<sup>3</sup> The year 1808 was agreed upon. Yet, in 1798, Georgia, of her own accord, incorporated into her organic law a prohibition of the slave-trade. It may not be amiss here to allude to the fact, that this action of America, in her Convention, in 1789, was *eighteen* years in advance of the British government; and that it required a struggle of *twenty* years, the last throes of which were felt in 1807, to enable British philanthropy to rise to the point to which Georgia attained in 1798!

<sup>1</sup> Another reason given by "A British Merchant," in a pamphlet issued at the time, was, that white emigrants became freemen, and might become troublesome. The increase of slaves increased dependence on the mother country.

<sup>2</sup> Journals of Congress, i, 307. The original frame of the Declaration of Independence, contained, as one of the grievances of the Colonies, this withholding of the royal assent.

<sup>3</sup> The State of Rhode Island alone numbered fifty-four vessels engaged in the slave-trade, at the period when the Act of Prohibition took effect.

The entire number of slaves exported from Africa prior to 1776, has been variously estimated. Raynal adopts the large sum of nine millions. The German historian, Albert Hune, considers this estimate too small. The lowest is three and a quarter millions. More than one-half of these were carried in English ships; and the profits from this traffic, to English merchants, is supposed to have been at least four hundred millions of dollars.<sup>1</sup>

Since 1776, the numbers exported from Africa have been variously estimated. Notwithstanding the efforts of Great Britain, France, and the United States, to repress the trade, the demand for the slaves has caused a supply of a larger annual exportation than there ever was while the trade was free. It is estimated, that during the whole continuance of the traffic, legal and illegal, full forty millions of negroes have been exported from Africa.<sup>2</sup>

The immense supply of slaves (near 75,000 annually), necessarily caused most wretched cruelties to be practised by the petty kings and slave-dealers on the African coast. From the great river Senegal to the farther limits of Angola, a distance of many thousand miles, the entire coast was visited to furnish this supply. The interior, especially along the banks of the rivers, yielded its quota to the general demand. Numerous tribes inhabited this vast extent of country, and consequently great differences existed in the color, nature, habits, and dispositions of the negroes exported. Prominent among these were the Mandingoes, Koromantyns, Whidahs or Fidahs, Eboes, and Congoes. The first were considered the most elevated and farthest removed from the pure negro type. The second, from the Gold Coast, were

<sup>1</sup> 3 Bancroft, 411, 412; see Edwards's *West Indies*, vol. ii, p. 368, et seq. In the year 1771, there sailed from England alone, 192 ships, provided for the exportation of 47,146 slaves. Copley's *Hist. of Slavery*, 114.

<sup>2</sup> M. Schœlcher, *Colonies Etrangères*, i, 386.

the most stubborn, unruly, rebellious, and intrepid. The Whidahs were the most thievish; and the Eboes from Benin, the most timid and dejected. Their peculiarities were soon discovered; and hence, upon the arrival of a slave-ship, the advertisement always gave notice of the tribes from which they were purchased.<sup>1</sup>

The passage from Africa to the Colonies was the most trying period in the sufferings of the slaves. The "horrors of the middle passage" have been sung by poets, and minutely described by eye-witnesses. Nothing aided so much to the final prohibition of the trade. Yet doubtless these "horrors" have been exaggerated. The cupidity and avarice of the dealer tempted him to overload his small vessel. Yet experience soon taught that the consequent pestilence and decimation of his cargo, more than overbalanced his gains. Self-interest co-operated with humanity in demanding a proper regard to the health and comfort of the victims. The slaves were transported naked. Yet clothing was, to them, an unknown and unnecessary luxury. The males were secured with irons when put on board, but these were removed, unless they proved unruly and rebellious. The decks, between which they were stowed side by side like bales of goods, were only high enough to allow a sitting posture. Yet the day was spent on the upper deck, and ample provision made for ventilation; while cleanliness was enforced as a matter of necessity. Wholesome and bountiful food was provided, as a matter of calculation for the improvement of their appearance. While bathing and other sanitary regulations were of universal practice.<sup>2</sup>

<sup>1</sup> Edwards's West Indies, ii, ch. xvi.

<sup>2</sup> Edwards's West Indies, ii, ch. xvii; Capt. Canot, &c., ch. xi; Buxton's Slave-Trade and Remedy, Pt. I, ch. ii. The great and good John Newton was once engaged in the trade, and was captain of a slave-ship. His Thoughts upon the African Slave-Trade give a candid, and doubtless, truthful account of the trade, as he knew it. They will be found to agree substantially with the text. See also McPherson's Annals of Commerce, vol. iv, 140-149.

While this is the general truth, instances existed of great wretchedness experienced during the voyage. And even with all these precautions, disease frequently made sad havoc among the poor creatures. Avarice and cupidity too frequently drowned the voice of experience; and hence we find the British Parliament, by statute, restricting the number of slaves to be carried to *five* for every *three* tons, up to 201 tons, and to *one* for every additional ton. By the same act, a well-qualified surgeon was required on every vessel; and as an inducement to efficiency, fifty pounds sterling was allowed him, and double that sum to the master, if the mortality during the voyage did not exceed two per cent.<sup>1</sup>

Of the slaves exported to the West Indies two-thirds were males. Various causes conspired to bring about this result. A more even proportion of females were found in the cargoes intended for the American colonies. The prices varied, but seldom exceeded forty pounds sterling for females and fifty pounds for males.<sup>2</sup> The cost on the African coast varied from three pounds to twenty pounds sterling.<sup>3</sup> The profits of such a trade, notwithstanding the large percentage of deaths, are manifest.

The negroes thus imported were generally contented and happy. The lamentations placed in their mouths by sentimental poets, were for the most part without foundation in fact. In truth their situation when properly treated was improved by the change. Careless and mirthful by nature, they were eager to find a master when they reached the shore, and the cruel separations to which they were sometimes exposed, and which for the moment gave them excruciating agony, were

<sup>1</sup> Edwards, 413.

<sup>2</sup> Edwards, 427; McPherson's Annals of Commerce, vol. iv, p. 153, makes the prices much lower. The tables there given show £10 as the minimum and £35 as the maximum. Average, £20.

<sup>3</sup> McPherson's Annals, &c., iv, 153.

forgotten at the sound of their rude musical instruments and in the midst of their noisy dances. The great Architect had framed them both physically and mentally to fill the sphere in which they were thrown, and His wisdom and mercy combined in constituting them thus suited to the degraded position they were destined to occupy. Hence, their submissiveness, their obedience, and their contentment.

Some of the more turbulent occasionally instigated rebellion; for their treatment in the West India Islands, and especially while the Spaniards were almost exclusive owners, was harsh in the extreme. Newton records the candid confession of a planter at Antigua, in 1751, that the owners had calculated with exactness to determine whether it was most to their interest to treat the slaves in such manner as to protract their lives, or to wear them out before they became old and decrepid, and to supply their places with new ones. The latter was found to be most profitable, and was their settled policy, and hence, nine years was considered the limit of a slave's life on many plantations.<sup>1</sup> That such rigor should produce rebellion in the most abject slave would be a natural result. Hence, the early disturbances in 1518 and 1522, already alluded to. In 1551, Charles V interdicted the carrying of arms to all negroes, free and bond, and in 1561, Philip IV renewed the ordinance and extended it to the slaves of the viceroys themselves; even in their master's presence.<sup>2</sup> When Jamaica was ceded to the English, in 1655, the mountains were infested with fugitive and rebellious negroes, known as the Maroons, who made frequent incursions on the plains. These continued at intervals till 1796, when, by the aid of bloodhounds, they were effectually repressed.

<sup>1</sup> Thoughts upon the African Slave-Trade, p. 38.

<sup>2</sup> La traite et son origine, par M. Schœlcher, 368.

The captives were transported to Lower Canada and afterwards to Sierra Leone.<sup>1</sup>

The treatment of the English colonists on the American continent towards their slaves was very different. In fact, the relation between the master and slave in the West Indies and in the English colonies was totally different. In the former, slaves were merely articles of merchandise, a commercial institution worked in large numbers, upon vast plantations, under the care of agents frequently, and for the benefit of masters whose homes were in many cases in the mother country. Bought from the slave-ship, their language was an unknown tongue to the master, and the only communication between them was to learn to understand the orders to work and to enforce obedience thereto. It being more profitable to buy than to breed,<sup>2</sup> instead of servants "born in his house," the West India planter continually was surrounded with new supplies of untutored Africans. Having the sanction of the Holy See to the traffic, his religion left his conscience unexcited to the duties he owed to his fellow-man, farther than to require the occasional visit of a priest or the distribution of mass. The bountiful productions of a generous soil, in a region of perpetual spring, stimulated his avarice to give no rest to the laborer where no rest was required by the land. Hence, despite the humane laws, inhuman treatment never ceased, though the government of some of the islands passed into other hands; and notwithstanding the trade has been declared piracy, and the bristling guns of ships of war have striven to clear the

<sup>1</sup> Dallas's Wars of the Maroons; Schœlcher, Colonies Françaises, i, ch. viii. The term *maroon* was applied to all fugitive slaves. It seems to have originated with the Spaniards, where it was called *cimarron*. Schœlcher, as above, 102.

<sup>2</sup> See Statistics of M. Puynode, as to rate of increase in the French and English West Indies, De l'Esclavage, p. 35; Carey's Slave-Trade, Domestic and Foreign, 8.

seas of the slave-dealers, yet the ports of the West India Islands ever afforded a ready market for slaves so long as slavery was permitted to exist.

On the contrary, the English colonists on the continent were generally men of moderate means, who had sought a home in the New World. The slave bought from the slave-ship wielded his axe side by side with his master in felling the forest around his rude home. He was his companion in wild hunts through the pathless woods. A common danger made them defend a common home from the wild beast and the more cruel savage. The field cultivated by their common labor furnished to each his daily bread, of which they frequently partook at a common board. The more wealthy master lived generally in the midst of his farm. No tempting market enticed him to forget humanity in his search for gain. The return of the labor of his slaves was generally in grain, consumed mostly in reproducing more. Even tobacco was exported but in small quantities. Cotton was reared almost exclusively to furnish employment for the females in extricating the seed, and then by the flax-wheel and the hand-loom, in providing clothing for the slaves themselves. The culture of rice required but moderate labor, except at harvest. The vine, and the olive, and the silk-worm, were all sought to be introduced in the more Southern colonies, to furnish employment for the slaves. With all, the labor was light. The master was not therefore tempted to overwork his slave. Even upon the score of interest it was with him more profitable to breed than to buy. Hence, at an early day the females were brought to the Colonies in numbers far beyond those carried to the islands. To take care of the sick, to shelter and provide for the children, to feed bountifully and clothe warmly, became the interest of the planter, and soon his pride. The natural result of all these causes was a

sympathy between the master and slave unknown upon the islands.

They stood to each other as the protector and the protected. The relation became patriarchal. The children of the planter and the children of his slaves hunted, fished, and played together. An almost perfect equality existed, in their sports, between the future master and his future slave. To dispense exact justice to all was the office of the planter. Obedience and respect from all was his reward. Such a state of society made slavery, in the Colonies, a *social institution*. It was upheld and maintained, not for gain solely, but because it had become, as it were, a part of the social system, a social necessity.

It is not strange, therefore, that the treatment of slaves upon the continent, differed widely from their treatment upon the islands. The result of this difference is to be seen in the great and steady increase of the negroes within the Colonies, as exhibited by the census, and their astounding decrease in the islands, notwithstanding the constant influx from the African coast.<sup>1</sup>

The slave-trade was not confined to America as a market. Though to a much more limited extent, England, Spain, and perhaps France, received a part of the cargoes prepared for the Indies.<sup>2</sup> At the time of the decision of the Somersett case, Lord Mansfield supposed there were 15,000 slaves in the British Isles; and Lord Stowell, in the case of the slave Grace, says, "The personal traffic in slaves, resident in England, had been as public and as authorized in London, as in any of our

<sup>1</sup> See the instructive and conclusive statistics and comparison, given by Carey, in his *Slave-Trade, Domestic and Foreign*.

<sup>2</sup> Hume, in his *Essay on National Characters*, asserts that negro slaves were "dispersed all over Europe;" and Granville Sharp, in his *Essay on the Just Limitation of Slavery*, quotes the passage from Hume, and admits the fact, pp. 29, 30. Dr. Beattie does the same, *Essay on Truth*, p. 459.



West India Islands. They were sold on the Exchange and other places of public resort, by parties themselves resident in London, and with as little reserve as they would have been in any of our West India possessions. Such a state of things continued from a very early period up to nearly the end of the last century.<sup>1</sup>

Long before this trade commenced upon the western coast of Africa, the Mohammedan markets of Morocco, Tunis, Tripoli, Egypt, Turkey, Persia, Arabia, and other portions of Asia, had been supplied with slaves from the great hive of Africa. When it commenced we cannot say. Before the days of Abraham doubtless. It has continued to the present time. It is carried on, partly by means of Arab vessels on the northeast coast, and partly by caravans across the desert. The number thus exported is probably 50,000 annually, if not more.<sup>2</sup>

<sup>1</sup> 2 Hagg. Adm. Rep. 105; Granville Sharp states, in his Essay on the Just Limitation of Slavery, that three married women were torn violently from their husbands, in London, and quotes an advertisement for a negro boy, "having round his neck a brass collar, with a direction upon it, to a house in Charlotte Street, Bloomsbury Square," p. 34.

<sup>2</sup> The reader disposed to examine this branch of the trade more fully, is referred to Buxton's *Slave-Trade and Remedy*, p. 59, et seq.; Levasseur's *Esclavage de la race noire*, 84.

## CHAPTER X.

### THE ABOLITION OF THE SLAVE-TRADE.

THAT the slave-trade should have been prosecuted so long by Christian nations, is a matter of greater surprise than the united efforts subsequently made for its abolition. In the meantime, there were not wanting those who not only deprecated the trade, but denied the lawfulness of the relation of master and slave. Milton embodied his protest in his immortal poem :

“ But man over man  
He made not lord, such title to himself  
Reserving, human left from human free.”

Pope, Cowper, Savage, Thomson, Shenstone, and many others of less reputation, continued the strain thus commenced, and Montgomery devoted an epic poem to the descriptions of the wrongs of “ Afric’s sons.”

The prose writers of England, during this period, are equally numerous. And America was not behind in furnishing her voice against the trade. Among the former may be mentioned Baxter, Steele, John Wesley, and Warburton. Among the Americans, Dr. Franklin, Dr. Rush, and William Dillwyn, were among the most prominent. Montesquieu and the Abbé Raynal, awakened the French nation to the importance of the same question.

As a body the Quakers, or Society of Friends, were the first to take bold position as to the sinfulness both

of the trade and the system. George Fox, and his co-workers on either shore of the Atlantic, early recognized the fact that God was no respecter of persons, and that the souls of Africans were redeemed by a Saviour's blood, as well as those of the descendants of Japhet. It was not surprising then that their zeal should become a fanaticism upon this subject, that has continued to the present day.<sup>1</sup>

As already observed, the American colonists were the first people, through their legislative bodies, to seek to put an end to the trade with the colonies. No religious zeal, nor Quixotic crusades for universal liberty, prompted them to act; but a sincere self-interest, which dictated this policy, as a preventive against an overflowing black population. The trade, however, was too valuable to British merchants, and too profitable to the British treasury, and hence the royal assent was repeatedly refused.<sup>2</sup>

We have already seen the action of the Continental Congress, in 1776, and the subsequent adoption into the Constitution of the United States, of the clause limiting the importation to the year 1808, if Congress should see proper. Before the time arrived, viz., in 1807, Congress availed itself of the power granted, and passed an act prohibiting the farther importation of slaves. Before that time, however, Georgia, in 1798, by virtue of her own State sovereignty, incorporated into her State Constitution, a prohibition of future importation into that

<sup>1</sup> By the laws of Barbadoes, passed 1696, negroes were prohibited from attending the meeting of Quakers, under a penalty of 10*l.*, to be recovered of any Quaker present. If the negro belonged to the Quaker, he was forfeited. See *Plantation Laws* (1704), p. 249. In 1663, Virginia prohibited the introduction of Quakers, under a penalty of 5000 lbs. of tobacco upon the captain of the vessel. *Ibid.* 52.

<sup>2</sup> This was inserted in the original draft of the Declaration of Independence, as one of the grievances of the Colonies, but was stricken out, at the instance of the delegation from Georgia.

State. South Carolina had preceded her, by a legislative enactment to the same effect.

To bring the British mind to such a sense of the evils and sin of the trade, as to induce the nation to forego the benefits arising therefrom, was a much more difficult task; and the fervid zeal of Granville Sharp, the unwearied exertions of Thomas Clarkson, and the powerful appeals and touching eloquence of Wilberforce, but barely effected this object, after a parliamentary struggle continuing through nineteen years. After spending months in preparing the public mind for the effort, the first motion was made in Parliament on the 9th May, 1788 (the year subsequent to the adoption of the Constitution of the United States). Defeat attended that, and a similar effort in 1789. The accession of both Pitt and Fox to their ranks in 1790, did not change the result. In 1791, there were arrayed in behalf of the movers, Pitt, Fox, Burke, Grey, Sheridan, Wyndham, Whitbread, Courtnay, Francis, and others; but defeat still awaited them. In the meantime, pamphlets and books had been written. Pictures of slave-ships, delineating the decks and the close confinement, and other "horrors of the middle passage," had been distributed throughout the kingdom. The people had become excited, and voluntarily abandoned, in many places, the uses of sugar and rum. In almost every part of the kingdom, public meetings gave vent to the public voice, demanding the prohibition of the trade.<sup>1</sup>

In 1793, the Commons yielded to the public voice, and passed an act for the gradual abolition of the trade. It was lost in the Lords, by a motion to hear farther evidence, which postponed action till the next session. In 1794, the Commons receded from their position, and left the battle to be fought over again. In 1795, it was again carried in the Commons, and lost in the Lords. The

<sup>1</sup> See Stuart's Memoir, pp. 51, 52.

sessions of 1796, 1798, 1799, still brought defeat to the cause. The years 1797 and 1800, 1801, 1802, and 1803, were allowed to pass without effort in Parliament. In 1804, the bill again passed the Commons, but was lost in the Lords. In 1805, it was again lost in the Commons. In 1806, the measure was brought forward under the auspices of the government, being then under the administration of Lord Grenville and Mr. Fox. During that session an act was passed prohibiting British vessels and British capital from being employed in the foreign slave-trade; and, in 1807, the last struggle was ended by the "Act for the abolition of the slave-trade."<sup>1</sup>

It is worthy of remark, that that which Parliament denied to the voice of the excited public, was yielded when that excitement had passed away, and then on the motion of government. When we remember that Fox was the devoted friend of the East India Company, and the fact that, at that time, the project was rife of growing sugar in the East Indies at a less cost than in the West Indies, we may surmise a reason for the final success of the measure, not based either upon philanthropy or justice.<sup>2</sup>

In France, Napoleon Bonaparte, upon his return from Elba, in 1815, passed an order for the immediate abolition of the trade. And in the same year, the Congress at Vienna, representing Great Britain, Austria, Russia, Prussia, and France, declared the slave-trade to be "repugnant to the principles of humanity and of universal morality; and that it was the earnest desire of their sovereigns to put an end to a scourge which had so long desolated Africa, degraded Europe, and afflicted humanity." After the restoration of the Bourbons, the decree of Napoleon was re-enacted, and the year 1819

<sup>1</sup> See Clarkson's History of the Abolition of the Slave-Trade. A concise history may be found in Rees's Cyclop., Slave-Trade.

<sup>2</sup> See Remarks of Bryan Edwards, published in 1794, in History of West Indies, vol. ii, p. 637.

witnessed the legal abolition of the trade by France. No active measures, however, were taken to enforce this edict until 1831, when the right of search was granted to English cruisers.

The treaty of 1814, between Spain and Great Britain, provided for the cessation of the trade under the flag of the former in 1820. The violations of the law, however, have continued ever since, notwithstanding the efforts of a mixed commission of British and Spanish judges, established at Havana, for the condemnation of slavers.<sup>1</sup>

A quintuple treaty for the suppression of the trade, signed at London, December 20, 1841, by representatives of Great Britain, France, Austria, Russia, and Prussia, allowed a mutual right of search. Previous to that time a treaty with the Netherlands in 1818, and with Brazil in 1826, provided for the cessation of the trade by the citizens of those nations. The trade with Brazil, however, continued to be carried on without any effort on the part of the Brazilian Government to prevent it effectually until about the year 1850.

The Act of 5 Geo. IV, c. 113, declared the slave-trade to be piracy in British subjects. Five years before that date (1820), the United States had passed a statute to the same effect. Before these statutes the trade was held to be legitimate by the subjects of all countries not expressly forbidding it,<sup>2</sup> and these statutes do not and cannot make the offence piracy, except in citizens of these respective nations.<sup>3</sup>

<sup>1</sup> See Buxton's *Slave-Trade*, &c., 212 et seq. In a despatch from Lord Palmerston to Lord Howden, dated Oct. 17th, 1851, with reference to this matter, he says, "During the last fourteen or fifteen years, those treaty engagements have been flagrantly violated, and those laws have been notoriously and systematically broken through in Cuba and Puerto Rico."

<sup>2</sup> Judge Story held to the contrary, in the case *Le Jeune*—Eugène, 2 Mason, 409; but this decision, in the words of Mr. Wildman, in his work on *International Law*, is "elaborately incorrect."

<sup>3</sup> See 2 Mason, p. 417. The sweeping provisions of these acts, show

Notwithstanding these several treaties and statutes, and notwithstanding both Britain and the United States have for many years kept a naval force cruising upon the western shores of Africa along the Slave Coast; yet the trade remains unsuppressed to this day, and for a series of years the number of slaves shipped for transportation was greater than it had ever been while the trade was legal and fostered by the legislation of France, Britain, and Spain. Its illicit character, however, has added much to its enormity and horrors. The slave-marts have ceased to be markets overt, and the victims of the trade are hidden in prisons and dens from the time they are brought to the coast. The transfer to the slave-ship is by night, and attended with much danger. The ship itself, instead of the large commodious vessels formerly used, is of the narrow clipper-built style, prepared with a view to a chase from the English or American cruiser. The slave decks are no longer ventilated with a view to health, but placed below the hatches, to escape detection, closely confined and of much diminished proportions. The numbers crowded into these narrow cells are much increased, being no longer regulated by law, and the increased risk and increased expense requiring increased profits to the adventurous owners. The persons engaged in the trade, of necessity, are no longer the enlarged and liberal merchant, with his humane master and crew, but the most desperate of buccaneers, who being declared pirates by law, become pirates in fact. The horrors of the middle passage are necessarily increased, and the difficulties of

another instance of the object of legislation defeated by its own vindictiveness. The bonâ fide purchaser of slaves, in a slave country, who seeks to transport them to another slave country, is not a pirate. The kidnapper of free negroes might be properly so declared. The acts are justified upon the difficulty of making proof of kidnapping, &c. This is an unfortunate truth, but does not justify the severity of the proposed remedy. The result is, that convictions under the act are very rare.

landing the cargoes add to the sufferings of the slaves, already more than decimated by disease.<sup>1</sup>

This trade is not carried on with the United States. But few slaves have been landed on their coast since the trade was prohibited. All the West Indies for a time, and subsequently the Spanish and Portuguese West Indies and Brazil, furnished the markets for this illicit trade.<sup>2</sup> As already remarked, the policy has been to buy rather than to breed negroes. And so long as slave labor in the West Indies remains so profitable, the price of slaves will continue to hold out inducements to lawless adventurers to violate all treaties and laws, in order to reap the immense profits of this trade. The abolition of slavery, in the English, French, Danish, Dutch, and Swedish West Indies, as we shall directly show, have only increased the profits of slave labor in the Spanish and Portuguese colonies, and thus increased the value of slaves and the temptation for the trade.

<sup>1</sup> Mr. Buxton estimates that seven-tenths of the captured slaves die in the process. Thus, of 1000 victims of the trade,

One-half perish in the seizure, march, and detention on the coast,	500
One-fourth of those embarked, die in the middle passage,	125
One-fifth of the remainder die in being climatized,	75
	<hr/> 700

Slave-Trade and Remedy, 199, et seq.

<sup>2</sup> See Wilkes's *Exp. Exp.* i, pp. 36, 55, 88. He states that the eastern coast of Africa furnishes most of the slaves. Zanzibar is a great slave-mart. The slaves are carried across the Island of Madagascar, to be sold on the eastern coast to Europeans, ix, pp. 184, 190, 272, 273. The slaves in the captured vessels are treated but little better by the English than by the traders; i, 55, 88.



## CHAPTER XI.

### ABOLITION OF NEGRO SLAVERY IN THE UNITED STATES.

As the first efforts for the prohibition of the slave-trade were made in America, so the first movement for the abolition of negro slavery had its origin there. To trace all the efforts that have been made, their origin and end, would be a task we have neither time nor space to enter upon. A mere glance at results is all that we can do.

The American Revolution was in a remarkable degree a struggle for political liberty. The grievances of the Colonies, though existing in fact, were not sufficiently aggravated to have aroused a whole people to throw off the government of their fathers. The war was undertaken for a principle, was fought upon principle, and the success of their arms was deemed by the colonists as the triumph of the principle. That principle was the right of a people to the enjoyment of political liberty. But the investigation and assertion of this right by a nation for a series of years necessarily imbued their minds with an ardent love of personal liberty, and hence, the very declaration of their political liberty announced as a self-evident truth, that *all* men were created *free* and equal.

This announcement was not a formal incorporation of an abstract truth into a diplomatic paper. It was the reflection of the feelings of the ardent espousers of the cause. It was the natural result of the excited state of the public mind. We should expect to find such a declaration from men about to engage in such a struggle.

And knowing as we do, and rejoicing as we should, in the honesty and purity of their motives, we should expect to find such men prosecuting their principles to their legitimate results, and proclaiming *all* involuntary servitude to be opposed to the natural rights of man. It is not surprising, then, that Franklin should have been the president of the first abolition society in Pennsylvania, as early as 1787; nor that Henry, and Jefferson, and Jay, should avow their hostility to the system, and their hopes for its overthrow; nor that even the wise, and good, and great Washington, should, by his will emancipating his own slaves, acknowledge that his own mind was at least wavering as to the propriety of their bondage. In fact, at that day, Virginia was much more earnest in the wish for general emancipation than were New York, Massachusetts, or Rhode Island. So general was the feeling, that the Ordinance of 1787, which excluded slavery from the Northwest Territory (out of which the present populous and thriving Northwestern States are formed), was ratified by the first Congress of the United States, with but one dissenting voice, and that from a delegate from New York; the entire Southern vote being cast in its favor.

Neither the climate nor the productions of the northern and eastern portions of the United States are adapted to negro slavery. (The sun is as necessary to negro perfection as it is to the cotton plant.) The labor of the slave is only valuable where that labor can be applied to a routine of business which requires no reflection or judgment upon the part of the laborer, and which continues throughout the year. Hence, the number of slaves in these older and more flourishing portions of the States, by the census of 1790, amounted only to 40,370, while the southern and more feeble colonies (Virginia excepted), embraced in their territory 567,527. It required, therefore, no sacrifice of interest upon the

part of these States, to provide for the extinction of slavery. It checked not their growth; did not make it necessary for them to seek out new channels for labor and the acquisition of wealth; and required no great sacrifice of property at their hands. Vermont claims the honor of having first excluded slavery, by her Bill of Rights, adopted in 1777. The census of 1790 shows but *seventeen slaves* in the whole State. It required no great measure of philanthropy to sacrifice the value of seventeen slaves.

Massachusetts never did, by statute, abolish slavery; and as late as 1833, her Supreme Court left it an open question, when slavery was abolished in that State.<sup>1</sup> Certain it is, that the census of 1790 gives no enumeration of slaves in that State.

The statute-book of New Hampshire also seems to be silent upon this subject, and the census of 1790 gives to this State 158 slaves; *one* of these was still reported in 1840.

Rhode Island adopted a plan of gradual emancipation by declaring that all blacks born in that State after March, 1784, should be free. *Five* of the old stock seems to have survived to have their names registered in the census of 1840.

Connecticut adopted a similar plan of emancipation, and *seventeen* of her slaves, it seems by the census, were surviving in 1840. Connecticut held 2759 slaves in 1790. The interest was too great for immediate emancipation.

Pennsylvania was in the same situation, having 3737 slaves in 1790. This State also provided for gradual emancipation, by an act passed in 1780, by which it was provided, that all slaves born after that time should serve as slaves until they reached the age of twenty-

<sup>1</sup> Commonwealth v. Aves, Pick. 209.

eight, after which time they were free. The census of 1840 shows sixty-four still in slavery.<sup>1</sup>

In New York a similar act was passed in 1799, emancipating the future issue of slaves, males at the age of twenty-eight, females twenty-five years. In 1817, another act was passed, declaring all slaves free on the 4th July, 1827. In 1790, there were 21,324 slaves in this State. In 1800 (before the emancipating act could take effect), there were only 20,343. In 1840, four only remained.

New Jersey, in 1790, held 11,423 slaves. In 1804, the prospective extinction of slavery was provided for by a similar statute to those of New York and Pennsylvania. The process, however, must have been slower, as the census of 1840 gives her 674 slaves, and that of 1850, 236.

Notwithstanding the ardent temperament of the Southern people, and their early zealous advocacy of universal liberty, practical emancipation with them was a much more momentous question. Virginia alone in 1790 contained 293,427 slaves, more than seven times as many as *all* the foregoing States combined. Her productions were almost exclusively the result of slave labor. Her white population exceeded her slaves only about twenty-five per cent. Her soil and climate and (in a much greater degree), those of the more Southern States, were not only peculiarly fitted for negro labor, but almost excluded white labor from agricultural pursuits. The problem was one of no easy solution, how this "great evil," as it was then called, was to be removed with safety to the master and benefit to the slave. It would have doubtless remained a problem perplexing the thoughts and paining the hearts of the

<sup>1</sup> A negro woman slave was sold by the sheriff, in Fayette County, Pennsylvania, to pay debts, in the year 1823. *Lynch v. The Commonwealth*, 6 Watts, 495.

good and wise to this day, had not the Northern and foreign fanaticism forced upon the South an investigation back of the stand-point which was then occupied, and with it the conviction that the Omnipotent Ruler of the universe has not permitted this "great evil" to accumulate until it is beyond control, but has exhibited in this, as in all his dealings with man, that overruling wisdom and providence which causes man's wrath to praise Him.

## CHAPTER XII.

### ABOLITION OF SLAVERY IN HAYTI, OR ST. DOMINGO.

WE will refer hereafter to the subsequent history of the abolition struggle in the United States. We turn now to the West Indies, to trace hurriedly the progress of emancipation there.

Prominent among them stands Hayti, or St. Domingo. Originally belonging to Spain, by gradual encroachment it became partially under the French dominion, until, in 1789, the latter nation owned about one-third of the island. Voluntary manumission, granted generally to the half-breed or mulattoes, the fruit of the illicit intercourse of the whites with the slaves, had, at the time of the French Revolution, placed in the French portion of the island a population of 21,808. At that time the whites numbered only 27,717, while the slaves amounted to 405,564.<sup>1</sup> The cry of "Liberty and Equality" of the French metropolis was taken up and echoed by the whites of Domingo, especially the poorer classes, who looked with envy and hatred upon the immense estates of the landed proprietors. The free mulattoes also (many of whom were possessed of slaves and other property), rejoiced in the cry, for though free they had never been admitted to any political privileges, and the "prejudice of color" existed to a remarkable degree,

<sup>1</sup> These are the estimates of M. Barbé-Marbois, in 1788. See Rees's Cyclopædia, Domingo. Others estimate the slaves at 700,000. Schœlcher, *Colonies Étrangères*, tom. ii, p. 86.

where nothing but color and these political privileges distinguished the one class from the other.

The first outburst of the French Revolution found three distinct parties in Domingo: the wealthy landed proprietors, who were averse to change, and desired at least to act in subordination to the Government of the metropolis; Les Blancs, or the white Republicans, who desired to set up an independent government in the island; and the mulattoes, who were clamorous for equality, whatever might be the extent of the privileges gained. The first dissension arose between the two former classes, and so great was the prejudice of color, that neither would accept of the aid of the mulattoes unless they would wear a badge, of a color different from the whites.<sup>1</sup> The latter petitioned the National Assembly for a recognition of their rights, and the reply was, that "no part of the nation should appeal in vain for its rights before the assembled representatives of the French people,"<sup>2</sup> and on the 8th March, 1790, a decree was passed, granting political privileges to all free persons of the age of twenty-five years, and who were proprietors of land. Both factions of the whites combined to defeat this decree, and succeeded in inducing the Governor of the island to construe it as applying only to white persons. The fraud was subsequently discovered by a young mulatto, Vincent Ogé, while in France, and upon his return home he assembled eighty or ninety of his class, and boldly demanded the execution of the decree. He was routed by the chief of the National Guard, and he and his followers taken prisoners and executed. But the "prejudice of color" would not allow the scaffold to be erected where the whites were usually executed.<sup>3</sup>

In the meantime each party of the whites were at-

<sup>1</sup> Schœlcher, *Colonies Etrangères*, tom. ii, 95.

<sup>2</sup> *Ibid.* p. 91.

<sup>3</sup> Schœlcher, tom. ii, pp. 95, 96.

tempting to set up a government. The Governor, Peynier, at St. Domingo, represented the metropolitan party. The Assembly of the Reformers was held at St. Mark.

Pending these difficulties, the slaves in the north began to talk of liberty.<sup>1</sup> The 24th of August, 1791, witnessed a formidable insurrection among them. They carried fire and devastation in their route. The National Guard, however, soon dispersed them, and the head of their leader, Boakmann, was placed on a pike in the midst of the public square. The punishment inflicted by the whites was excessive. They confined it not to those engaged in the revolt, but considering every black an enemy, massacred without distinction all that fell in their way.<sup>2</sup> In this insurrection it is supposed that two thousand white persons perished; twelve hundred families were reduced to indigence; one hundred and eighty sugar and nine hundred cotton plantations destroyed, and the buildings consumed by fire.<sup>3</sup>

About this time, there reached the island the decree of the National Assembly of the 15th May, 1791, which, in plain terms, granted equal political privileges to all freemen born of free parents, without regard to color. The whites resolved that they would not submit to its provisions; the mulattoes to obtain, by force, their legal rights. Each party armed themselves, and each party armed also a body of their faithful slaves, to do

<sup>1</sup> Insurrectionary pamphlets had been previously distributed among them, issued by the abolitionists of Paris (*Amis des Noirs*), who counted among their numbers, Mirabeau, Robespierre, Abbé Grégoire, and other leaders of the Revolution. See Speech of the Deputies, before the National Assembly, Nov. 3d, 1791, in which the insurrection is attributed entirely to this cause.

<sup>2</sup> See Schœlcher, pp. 99-101. Some palliation for this is found in the barbarous cruelty of the revolting negroes. Their standard was the body of a white child, elevated on a pole. Their murders and rapes were brutal in the extreme. See Speech of Deputies, as above.

<sup>3</sup> Rees's Cyclopædia, Domingo.



battle for them. On the 2d September, an engagement was had near Port au Prince, in which the mulattoes obtained the advantage. On 23d October, a treaty of peace was signed, acknowledging the political equality of the mulattoes. Their armed slaves, however, were banished from the island and sold in Jamaica. They were driven thence by the English governor, who sent them back to St. Domingo, where they were executed, and their bodies cast into the bay.<sup>1</sup> This peace was of short duration, as the Provincial Assembly declared the treaty to be subversive of the colonial system. The whites, being in open violation of the decree of the Home Government, proposed to deliver the island to the English Governor of Jamaica, which proposal he declined to accept.

In the meantime, the National Assembly, by the fickleness of their policy, only aggravated the state of anarchy in the island. By a decree of the 24th September, that of the 15th May was annulled, and power was given to the Colonial Assembly to regulate the political *status* of the free persons of color. This they exercised on 2d November, by postponing indefinitely their political emancipation.

Hostilities soon recommenced, and on 29th November one-half of Port au Prince was reduced to ashes. The whites accused the mulattoes of the deed, and to avenge themselves massacred indiscriminately their women and children who were within their reach.<sup>2</sup> With varying success, this civil war continued until the Governor, Blanchelande, joined his forces to the mulattoes, and thus subdued the whites. This step of his was in consequence of another decree of the vacillating National Assembly, who, on the 4th April, 1792, revoked the decree of 24th September, and declared all freemen to be equal. To enforce this decree, they sent out three

<sup>1</sup> Schœlcher, 102, 103.

<sup>2</sup> Pamphile La Croix, tom. i, ch. 4.

commissioners, Sonthonax, Polverel, and Alliand, and six thousand troops. These commissioners took part with the colored men, and heaped upon them honors and arms. For a time peace seemed to have been established, but the equality of the mulattoes was too galling for the whites, and they again endeavored to right themselves by an appeal to arms. Fortifying themselves in Port au Prince, they again offered to deliver the island to the English, if they would re-establish the ancient order of things.<sup>1</sup>

After considerable skirmishing, this rebellion was repressed, and peace seemed again to be restored; but mutual hatred was still rankling in the bosoms of both classes, and an opportunity soon offered for the recommencement of hostilities. A difficulty between a mulatto and an officer of marine was sufficient, and the battle was fought in the streets of Port au Prince. In the *mêlée*, a parcel of revolted negroes placed fire to the jail, to release four or five hundred negro prisoners. The flames spread, and reduced to ashes the most beautiful city of the Antilles. The government troops and the mulattoes again triumphed over the whites, and one thousand of the latter, the flower of the island, condemned themselves to voluntary exile.

In the meantime, Spain had declared war against the French Republic. The close proximity of their possessions in Domingo, gave the Spaniards a fine opportunity of harassing the already distracted French colony. The slaves of the latter were encouraged to take refuge among the Spaniards, and many of them were enrolled in their army, under the lead of two of their fellows, Jean François and Biasson. Under these generals, continued attacks were made upon the French province. About August, 1793, a desperate attack was made by them. They were about to take possession of Fort

<sup>1</sup> See Schœlcher, 105, et seq., and authorities cited by him.

Liberty, and menaced even the town of the Cape. Sonthonax occupied it alone, with about one thousand troops, and five or six hundred mulattoes, and without the munitions of war. Moreover, the rebellious whites had called upon the English of Jamaica to come to their assistance, and they themselves occupied much of the country. Under these circumstances, Sonthonax proclaimed, on 29th August, liberty to all slaves who would enrol themselves under the banner of the Republic. His colleague, Polverel, condemned this act as an abuse, or rather a stretch of power. But when the English at length came to take part with the rebels, he admitted the necessity of the act, and obtained the consent of the proprietors thereto. Malenfant, who gives this account, adds, that he himself was the only proprietor who refused to subscribe to this consent.<sup>1</sup> This was the formal beginning of the emancipation of the blacks of Domingo.

On 3d September, 1793, a treaty was signed by the English and the colonists in Jamaica. On 19th September, the British soldiers, eight hundred and seventy in number, were introduced into one of the towns where the rebels were in power, and five others were successively delivered up to them. On 4th June, 1794, Port au Prince surrendered to the British arms. But the fatal *black vomit* appeared among the troops, and forty of the officers and six hundred of the rank and file fell victims to the scourge.<sup>2</sup>

On 4th February, 1794, the National Convention not only confirmed the offer of liberty made by Sonthonax, but by decree abolished slavery in all of the French colonies. To maintain some kind of order, Polverel, one of the commissioners, in May, 1794, published agricultural regulations, by which the enfranchised slaves

<sup>1</sup> See Schœlcher, tom. ii, p. 114.

<sup>2</sup> Schœlcher, ii, 115 et seq.; Rees's Cyclop. Domingo.

were to have one-fourth of the gross products of their labor. This arrangement for a time seemed to be satisfactory.

Previous to this time there appeared upon the stage the most remarkable person in this eventful drama. A negro of middle age, the coachman of a rich planter, fled from his master and took refuge with the Spaniards. Having learned to read and write, and knowing something of simple medicines, he was placed under Biasson, the negro General, and honored with the titles of Surgeon and Colonel. He continued to serve in the Spanish army until the news arrived of the decree of February 4th, 1794, when he immediately deserted. The time was propitious. The French General Lavaux had been appointed Governor *ad interim*, while the commissioners went to Paris to answer charges made against them by the colonists. The troops had been left under the directions of three mulatto officers, Beauvais, at Jacmel; Rigaud, at Cayes; and Villatte, at the Cape. The Governor, Lavaux, made the latter his headquarters and took command. Villatte, dissatisfied with being in a subordinate position, fomented a sedition, and placed the Governor in prison, under the pretence of saving him from the fury of the populace. In this conduct he was but following the example of Montbrun, another mulatto, who a short time previously had forced Sonthonax to fly from Port au Prince. Toussaint, the negro alluded to, placing himself at the head of five thousand men, marched upon the Cape, defeated Villatte, released the Governor, and placed himself subject to his orders. It must be remarked in passing, that there was no more sympathy between the blacks and mulattoes, than between them and the whites, for the mixed race were equally as averse to an equality with the negro as the whites. Lavaux, from gratitude, nominated Toussaint general-of-brigade, and placed him at the head of his

administration. In his zeal he pronounced him "the liberator of the blacks."

The knowledge which Toussaint had of the country, and especially of the situation of his old protectors, the Spaniards, enabled him very soon to drive them out from the French possessions. The enfeebled condition of the English forces gave him a good opportunity of at least holding them from any aggressive movements. At the same time he forced the blacks to enrol themselves in the army, or else return to their work upon the plan of Polverel, before alluded to. The commissioner, Sonthonax, upon his return to the island, appointed him general-of-division.

About this time Rigaud, another of the mulatto generals, placed himself in an attitude of independence in the South. He oppressed indiscriminately both blacks and whites, and his command, almost exclusively mulattoes, sustained him in his position. The government was too feeble to resist him, and Toussaint had no disposition to aid them in it, for the design had already formed itself in his breast of setting aside this exhausted government and taking possession of the island for the colored race exclusively. The commissioner soon penetrated this design, and hastened to return to France to make it known. Toussaint, suspecting his intention, sent with him two of his sons as hostages for his devotion to the Republic.

After his departure Toussaint drove the English from Port au Prince, Jeremy, and the Mole. They sought in vain to bribe him to deliver the island to them. His scheme was independence. Failing in this last resort, the English finally evacuated the island, where disease and defeat had added nothing to the glory of their arms.

Both Toussaint and Rigaud endeavored to force the negroes to continue their work. They were required to remain upon the farms and not to leave them without

permits. Notwithstanding, many of them fled and became highway robbers. Rigaud erected a prison in which he incarcerated all such.

The French Directory sent out General Hedonville, as their agent, to supervise Toussaint and to arrest Rigaud. He arrived 21st April, 1798. Toussaint refused to aid in the arrest of Rigaud, pleading as an excuse his great services to the Republic. At the same time he proposed to Rigaud to combine against Hedonville and declare the island independent. The prejudice of color, however, extended even to the mulattoes, and a combination with the negroes was repugnant to their feelings. Rigaud rejected these overtures and preferred to combine with Hedonville against the blacks.

This combination was an expiation for his offences, and when Hedonville, in October following, was forced to leave the island, he released Rigaud from all obligation to obey the general-of-division, and appointed him commander-in-chief of the army in the South. Thus commenced the war between the blacks and mulattoes. The whites were already virtually driven from the island. The contest for the mastery was now between the other colors. The mulattoes in Toussaint's army deserted and joined their own color. A bitter and bloody contest ensued. But the blacks were too numerous for the small band of mulattoes. After several desperate conflicts, on 29th July, 1800, Rigaud, Pétion, Boyer, and their followers, abandoned the island and left the old negro Toussaint sole master thereof.

The Consular Government confirmed Toussaint in his plenary powers, and ordered him to take possession of the Spanish portion of the island ceded to the French by the Treaty of Basle in 1795, which order he executed with but little opposition.

In June, 1801, Toussaint called together such of the white inhabitants as were subject to his will, under the

name of the Central Assembly of St. Domingo, and published a constitution by which slavery was forever abolished in the island, and he was nominated as governor for life. This constitution he formally presented to the French government for their sanction ; but, at the same time, made every preparation to maintain it by force. He endeavored, also, to reconstruct the social condition of the island ; opened a court around himself ; encouraged luxury in his favorites ; and sought, by rigorous decrees, to enforce upon the agricultural slaves, a continuance of their labors. Idleness in them was punished by death. In short, he established an iron despotism that knew no law but his will. In this manner he alienated from himself the affections of those whose gratitude for his services would have bound them to him.

In 1801 was signed the Peace of Amiens. The First Consul of France had time now to turn his attention to her colonies. He reviewed the scenes in St. Domingo, and his great intellect soon detected the fatal mistake which the National Assembly had made. That mistake was, in seeking to make equal those whom the Almighty had made unequal. The white colonists, who had fled to Paris, urged him to restore the former order of things. His wife, Josephine, herself a West India creole, doubtless as an eyewitness, gave him a true picture of the condition and capacity of the negro. He resolved to restore the old *régime*. Le Clerc, his brother-in-law, with 23,000 troops, embarked ; and on 5th February, 1802, appeared at the Cape. He demanded possession of the city of the negro commandant, Christophe. He refused ; and following the instructions formerly given him by Toussaint, reduced the town to ashes. Leogane, Port de Paix, and Saint Marc, shared the same fate at the hands of their commandants. Other cities were delivered into the hands of the French general.

Le Clerc endeavored to induce Toussaint to acquiesce

in the views of the First Consul, and with this view, sent his two sons (formerly sent to France as hostages) to persuade him to this course. But the old negro's ambition could not be thus restrained. Several engagements were had. In the attempt to take a fort called Crête-à-Pierrot, the French suffered considerably. Le Clerc changed his tactics, and published that there was no intention, on the part of the First Consul, to enslave the negroes; that they should continue to enjoy their liberty. The despotic conduct of Toussaint was now avenged. All of his officers, with but few exceptions, accepted of this overture, and yielded to the terms of the French General. Toussaint was forced at last to treat. He made two conditions: the liberty of his fellow-citizens, and that he should retire to his own estate, retaining his title as General, and his staff. Being subsequently detected in a conspiracy (as it was alleged) against the government, he was arrested and sent to Paris. He was there cast into prison, and soon ended his life in a dungeon.<sup>1</sup>

After the departure of Toussaint, Le Clerc disarmed many of the negro and mulatto soldiers, removed their officers, put to death several, under various accusations, and then, throwing off the mask, announced the Consular decree restoring slavery. Dessalines, and others of the old negro officers, deserted, and raised the standard of revolt. The mulattoes and negroes now cordially united against the whites, their common foe. They had enjoyed their liberty too long to submit quietly to a re-enslavement. Thus commenced the bloody war between

<sup>1</sup> In giving this brief account of this remarkable negro, I have followed chiefly M. Schœlcher, a French abolitionist. There is great conflict among authors in respect to him. Some laud him as the model upon which Napoleon endeavored to improve; others treat him as a traitor and weak tool in the hands of others. I have taken the middle, and I believe the true ground.



the whites and the colored races. The yellow fever, the negro's ally, came to their assistance. The French army were decimated in numbers, and the remainder enfeebled by disease. Le Clerc himself fell a victim to the *vomito*.

The war was bloody and desperate; no quarter was given on either side. The negroes devastated the country, destroying the crops, and even cutting down the trees. Famine then came to add to the difficulties of the French. Great Britain having declared war against the Consular government, neutral nations could furnish provisions only by stealth.

Rochambeau, the successor to Le Clerc, was an unfortunate appointment. Cruel and despotic, he exercised his unlimited power so as to drive from the French all sympathy. In fact, his exactions upon the French themselves made them his enemies. Besieged and confined in the Cape, he exacted from the inhabitants enormous taxes, to pay for provisions introduced by American vessels. A merchant, who refused to pay 33,000 francs, was shot down in the national palace.

Dessalines finally carried on his siege so successfully, that the French General was forced to capitulate. He and his soldiers were permitted to embark, and thus evacuate the island, with the exception of a small garrison in St. Domingo, under General Ferrand. These bravely maintained themselves until they were expelled in 1809. The treaty of Paris, in 1814, re-ceded that portion of the island to Spain.

On 1st January, 1804, the officers of the army met in convention and declared the independence of Hayti (resuming the aboriginal name). At this time, the civil wars had reduced the population to about 400,000. Dessalines was declared Governor-general, and signalized his entry into office by a proclamation written in blood, justifying and ordering the massacre of the whites remaining in their midst.

On 8th October, 1804, Dessalines was declared emperor. He ruled with a rod of iron. His hatred of the whites was intense. In May, 1805, a constitution was published, by which a white man was prohibited from emigrating thither to purchase land or acquire any other property. In 1806, Pétion, a mulatto general, headed a conspiracy against him, and caused him to be assassinated.

The war of races again commenced between the mulattoes and blacks; Pétion heading the former, and having control of the South and West; Christophe, a black, controlling the North. The latter was nominated President of the Republic by the Assembly at Port au Prince, on 27th December, 1806. On 9th January, 1807, he was deposed by the same Assembly, and Pétion named in his stead. Hence the claim of each.

Pétion continued, in name, President of the Republic. Christophe soon had himself declared King, under the name of Henry I. He established a court, and granted vast numbers of titles and orders of nobility, and of the grand cross. He maintained, essentially, a military government. He compelled the laborers to continue at their posts with an iron arm; and required his soldiers to furnish their own equipments, under pain of death. Two of his mulatto officers having deserted at St. Marc, he butchered, in cold blood, every mulatto man, woman, and child, in the city.

A deliverer appeared about the year 1820, in a negro, Richard, Duke of Marmelade, who led a conspiracy of the principal officers of the army, and delivered the North to Boyer, then President of the South. The two sons of the King were massacred, after he himself committed suicide.

Pétion took a different course. He encouraged idleness. He was faithless to the constitution under which he was elected, and dispersed the Senate, who sought to

limit his powers. He put to death many of the senators, and alienated all of his friends. About 1810, Rigaud returned from France, and assuming the title of Restorer of Liberty, headed an army in the South to put down Pétion. They met, and agreed to hold separate dominions; a small part of the island being set apart for Rigaud, as General-in-chief of the South. He died suddenly, shortly thereafter, and a mulatto, General Borghella, was named as his successor. On the approach of Pétion he surrendered. In 1816, Pétion was nominated President for life; and on 29th March, 1818, he died, having, during his long exercise of power, done no act to entitle him to a higher commendation than that he was an ambitious sluggard. Boyer, a French mulatto, who accompanied Le Clerc, was elected President in his stead.

We have seen how he was indebted to Richard for the possession of the North. Upon a false charge of conspiracy he caused him to be shot, on 28th February, 1821. Five or six others of the most prominent of his subjects shared a similar fate.

About this date, the Spanish colony of Domingo revolted from the mother country and set up an independent republic. This fell an early prey to Boyer, who thus became master of the whole island.

Upon the restoration of the Bourbons, negotiations were opened, and efforts made to restore this most prized colony to the French throne. It would be tedious to pursue the details. In April, 1827, Charles X sent his last propositions, and accompanied them with a fleet of thirty sail. Boyer, intimidated by the fleet, accepted of the terms proposed. By these, the independence of Hayti was acknowledged upon the payment of an indemnity of 150,000,000 francs. Thus was effected the first great effort of liberating the slaves of the West Indies.<sup>1</sup> We will consider its consequences hereafter.

<sup>1</sup> Colonies Françaises, par M. Schœlcher.

## CHAPTER XIII.

### ABOLITION OF SLAVERY BY GREAT BRITAIN, SWEDEN, DENMARK, AND FRANCE.

IN the year 1823, a society was formed "for the mitigation and gradual abolition of slavery throughout the British dominions." Clarkson, who had been so instrumental in calling public attention to the slave-trade, devoted his time and pen to this consummation of his work. During the same year, the subject was brought before Parliament by Mr. Buxton, and immediate abolition urged by him, Wilberforce, and others. Compromise resolutions, recommending judicious reforms, were proposed by government and finally passed. In 1826, the same gentlemen renewed the subject in Parliament, and numberless petitions were presented from various portions of the kingdom, especially from the manufacturing cities; the latter praying particularly that equal facilities be afforded for commerce to the East Indies, with those extended to the West Indies. The motion was renewed in various shapes from year to year. Commissioners were appointed by the government to inquire into the state of affairs in the colonies, and especially into the administration of civil and criminal justice; and their elaborate reports gave minute information as to the condition of the islands.<sup>1</sup> From forfeitures and escheats sundry slaves had become the property of the

<sup>1</sup> See substance of the three reports, published in 1827. London. The reports, complete, make a dozen folio volumes.

government. These were termed "crown slaves." In 1830, these were liberated by an order in council. The number, however, was very small, not exceeding a few thousand.

The efforts being made for their liberation could not be concealed from the slaves. The colonists charged that it was not only industriously circulated, but that the slaves were incited to insurrection by various Baptist and Methodist missionaries, who were sent out among them from the mother country. Certain it is, that insurrection and rebellion did follow, and that numbers of the slaves lost their lives in consequence thereof. The missionaries were arrested, imprisoned, and some of them driven from the islands.

In 1832, committees were appointed in both Houses of Parliament to inquire and report such measures as were expedient on the subject of emancipation. These spent some time in examining witnesses, and reported their investigations. In 1833, was finally passed the act providing for the abolition of slavery. Fearing the result of immediate abolition, the act postponed its operation for one year (till 1st August, 1834), and then substituted a system of apprenticeships, varying from four to six years, prescribing the number of hours per week the apprentices should labor for their former masters, allowing one-third of their time for themselves, restricting the infliction of corporal punishment, except by order of special justices of the peace, and giving minute specifications of the powers and rights both of the masters and the apprentices. The sum of £20,000,000 was appropriated to make compensation to the owners for the loss of their property.

This act was the result of the wisdom and philanthropy of the British nation, and great expectations were entertained of the beneficial results to flow from this tutelage of the slave, before investing him with per-

fect liberty. That it failed of its object is universally admitted, and the emancipationists attributed to this apprentice system the many evils growing out of this violent uprooting of an entire social system. The colonists complained bitterly, and their opponents (perhaps not without cause), accused them of seeking to evade all of its provisions. They again accused the negroes of miserable evasions under pretence of sickness and otherwise. On the day before perfect liberty was granted, the infirmaries of Jamaica, says an intelligent French writer, were crowded with negroes professing to be sick. The next day they were all cured. What worked this miracle? The arrival of liberty.<sup>1</sup> The English abolitionists appealed to Parliament to cut the Gordian knot and grant immediate freedom. The rights of the proprietors were laughed to scorn. It is possible that this movement would have succeeded, but it was rendered unnecessary by the colonies themselves, who, sick of their apprentices, granted entire freedom before the day appointed. Antigua led in this movement contemporaneously with the commencement of the system. Bermuda and other smaller islands followed the example soon thereafter. Barbadoes came next early in 1838, others followed, and on 1st August of that year, the apprentice system ended in Jamaica. Some insignificant outbreaks had attended its workings, but on the whole it was effected peaceably.<sup>2</sup>

In another place we will examine the results of this abolition in its effects upon these colonies. It may be well here to remark, that the character of the slavery of the negro in the British West Indies and in the United States, differs widely. That the negroes were not improving *physically* in the former, is proven conclusively by the fact, that instead of increasing in numbers, they

<sup>1</sup> Cassagnac's *Voyage aux Antilles*, i, 275.

<sup>2</sup> Report of Duc de Broglie, p. 10.

were rapidly decreasing. Before the abolition of the trade, twenty years were estimated as the average labor of a healthy negro. It is estimated, that at least 700,000 negroes were imported and retained in Jamaica before the trade was checked. Yet, in 1834, there were liberated only 311,000, showing a destruction of life almost unparalleled. That this annual decrease continued to the last days of slavery, is evident from the registry of deaths and births kept by requisition of law. These show a plurality of deaths for almost every year. The same results are shown from the statistics of Barbadoes, St. Vincents, British Guiana, Trinidad, and Grenada. The whole number of slaves imported into the British West Indies is estimated at 1,700,000. There were emancipated 660,000, a little over *one-third* of the importations. The decrease for the last five years, before emancipation, was nearly *one per cent.* per annum.

On the other hand, for 333,500, estimated as imported into the United States, there were, in 1850, 3,800,000; showing a steady increase of population itself almost unparalleled. Had the negroes imported into the British West Indies increased in the same ratio as they increased here, instead of the sum paid, it would have required from the British treasury the enormous sum of £500,000,000 to have compensated the masters at the same prices. And so, had the negroes decreased with us as they did in the British colonies, every master could now be compensated, at the same rates paid there, with the small sum of £4,000,000.<sup>1</sup>

Sweden and Denmark, by various provisions, ameliorated greatly the condition of the slaves in their respective colonies. The hours of work were prescribed, their food and clothing, the amount of chastisement, and the instrument. The right of the slave to his *peculium*, and to make complaint against his master, was secured by

<sup>1</sup> See Carey's Slave-Trade, Foreign and Domestic, ch. ii, iii.

law, and also the right to purchase his own freedom.<sup>1</sup> These regulations were not followed by the elevation of the slaves, but were followed by a diminution of the products of the colonies.<sup>2</sup> Sweden finally, in 1846, determined on the abolition of slavery in her only island, St. Bartholomew. There were only 578 slaves, and to purchase these there was appropriated about \$50,000, payable in five instalments. On 9th October, 1847, the work of emancipation was completed.<sup>3</sup> Denmark followed the next year (1848), and by indemnifying the masters, gave liberty to the slaves in her colonies.

Martinique, Guadalupe, Bourbon, and French Guiana, had slavery restored under Napoleon, although he failed in his efforts to restore it in Hayti. After British emancipation, the French abolitionists renewed the agitation of the question in France. It was argued with great zeal and learning by its advocates and opponents, and many volumes were written on either side.<sup>4</sup> On 26th May, 1840, a commission was appointed by a royal edict, to examine into and report upon the state of the Colonies. The mass of material and evidence laid before this commission almost defy analysis. The reports to the Duc de Broglie upon colonial questions, by M. J. Lechevalier alone, are embodied in three huge folio volumes.<sup>5</sup> From these, we learn that the condition of the French colonies was wretched in the extreme. The abolitionists at Paris were threatening, and urging emancipation. The colonists were protesting, and yet

<sup>1</sup> Schoelcher, *Histoire de l'Esclavage*, i, 532; Gurney's *Letters on the West Indies*, 19.

<sup>2</sup> Gurney's *Letters on the West Indies*, 17 et seq.

<sup>3</sup> Schoelcher, as above, 534.

<sup>4</sup> It is a little curious that Voltaire, who painted so vividly the miseries of the slave and the slave-trade, in *Candide*, took an interest in a slave-ship, and rejoiced, in a letter to his partner, in having "made a good speculation and done a good action." Levavas seur, pp. 75, 76.

<sup>5</sup> The curious can find a list of these documents prefixed to the report of the Duc de Broglie.



in continual suspense. The slaves were discontented and rebellious, causing frequent insurrections, with much loss of life. Once in the enjoyment of freedom, of which they were again deprived, surrounded by the English colonies, where abolition had not only granted liberty to the slaves, but a refuge and asylum for all fugitives from the French colonies, with the hopes of abolition ever held out before them, it is not at all strange that two hundred and fifty thousand negroes should resist the domination of the few constituting their masters. The report of this Commission shows, that all parties agreed as to the necessity of some action on the part of the home government. The abolitionists insisted on immediate freedom. The colonists insisted that an end be put to this state of suspense, by perpetuating the old *régime*.<sup>1</sup> The Commission, after examining both sides with apparent candor, recommended as the most salutary plan the apprentice system adopted by the English government. The evils flowing from it were admitted, but the Commission looked hopefully to time; which, by replacing the old generation of slaves with a new of freeborn men educated to liberty, would do away with the idleness, vice, and superstition, which they attributed to the former state of bondage.<sup>2</sup> Time has shown that this hope was ill-founded. The secret of the error was the ignorance of European statesmen of the negro character. The result of this Commission was the law of 18th July, 1843, which sought to ameliorate the condition of the slaves, and to regulate the relation of master and slave. It provided for the punishment of the slaves, for their marriage, for their mental and religious instruction, and for the protection and security of their *pecu-*

<sup>1</sup> See the Report of Duc de Broglie to the Colonial Secretary, March, 1843.

<sup>2</sup> There was much plausibility in this hope. Moses, under Divine direction, kept the Israelites in the wilderness until the generation of Egyptian slaves was extinct. These were not the conquerors of Canaan.

*lium*. It regulated the number of hours of labor to be required of the slaves, provided for their holidays, and required that one day in each week should be allowed them to labor for themselves; and that land should be provided for their cultivation on their own account, with various other similar provisions, calculated to insure humane treatment.

It gave also to every slave the privilege of purchasing himself, his parents, or his descendants, and provided a mode of ascertaining the price where the master and slave could not agree. This law was followed by another, of 19th July, 1845, to encourage the introduction of free laborers from Europe into the colonies, by which 930,000 francs were appropriated, 400,000 of which were to be used in aiding slaves in the purchase of themselves.<sup>1</sup> That these laws failed of their desired effect seems to be acknowledged. The abolitionists complained that the colonial officers joined with the colonists in having them evaded. In January, 1846, no part of the 400,000 francs had been used in effecting the purchase of slaves. In March, 1846, 3,900,000 francs had been expended for establishing schools, to which the young negroes were gratuitously admitted, and yet only *twelve* such scholars had ever partaken of their benefits. Whipping having been virtually abolished by the act, cudgelling was substituted in its place. It is useless to multiply the details.<sup>2</sup>

The French Government were not prepared to pay the requisite indemnity of the purchase of 250,000 slaves, though constantly urged thereto by the abolitionists. In June, 1846, 140,000 francs were appropriated for the purchase of the royal slaves (*esclaves du domaine*), and this was the only appropriation ever made for this purpose. In 1847, petitions signed as was said by one of

<sup>1</sup> Schœlcher, *Histoire de l'Esclavage*, i, 33-38.

<sup>2</sup> Schœlcher, i, *passim*.

the orators, by "tous les Français," were again presented, demanding the complete and immediate emancipation of the slaves. A law to that effect is proposed in the Chamber of Deputies, and ably advocated among others by M. Ledru Rollin, but it could not be passed.<sup>1</sup>

What could not be effected by the Kingdom of France, was soon accomplished by the Revolutionary Republic. One of the first acts of the Provisional Government of 1848, was to declare freedom to *all* held in bondage throughout the French dominions. No pretence of indemnity was attempted at the time. In the mad zeal for new-born liberty, justice was forgotten. We shall hereafter examine the effects of this emancipation. Subsequently, a mere nominal indemnity has been paid to the planters.

<sup>1</sup> Schœlcher, ii, 135-146.

## CHAPTER XIV.

### THE EFFECTS OF ABOLITION.

My intention was to have examined minutely the effects of abolition upon Hayti and the British West Indies, to have followed the history of the transition, to have noted the tendency and gradual return to barbarism, of a race rescued from that condition only by slavery, and to have sought in the character of the negro for the reasons of this decline; but the extent of this prefatory sketch forbids so minute a detail. It is unquestionably true, that from the ancient kingdom of Meroe, in which, centuries before Christ, the experiment of a negro government of a nation far advanced in civilization, was attended with retrogradation and final extinction, down to the latest abolition in the West Indies, however varying the circumstances, however cautious and wise the provisions, the result has been uniformly and invariably disastrous to every element of civilization. The fact is admitted; the difference of opinion exists only as to causes.

“From 1804 downwards, the history of the unfortunate island (Hayti), has been little or nothing else than the history of rapine—one black rising up to contest the sovereignty with another, and filling the island with scenes of confusion and misery, which go far to prove the theory of those who maintain that the negro race is by natural incapacity unfitted for self-government.” Such is the testimony of an intelligent Englishman, who

visited St. Domingo in 1849, and whose prejudices are all in favor of the negro race.<sup>1</sup> The statistics of the commerce of the islands show a continual retrocession. Every visitor, whatever be his opinions as to negro capacity, notes and admits the evidences of decay in every mark of advancement and civilization, and to-day the mock empire of Hayti, the subject of ridicule and regret, is but a transfer of an African despotism from Ethiopia to the West Indies.<sup>2</sup>

The history of Hayti and its present condition show the results of an abolition effected by insurrection and revolution. In these causes, the abolitionists of England and France found reasons for all the savage barbarity, the miserable idleness, the continual outbreaks, the ruined cities, the abandoned agriculture, in short, for the dark mantle of heathenism which settled upon this once beautiful and fertile island.<sup>3</sup> A peaceable emancipation, with proper guards against the natural outbreaks of too sudden liberty, with judicious provision for educating and training the rising generation, whose spirits had never been crushed by the galling chains of slavery: this was the true philosophy and philanthropy, and from such a course, results very different from those witnessed in Hayti, were confidently predicted and sincerely anticipated. As we have seen, Great Britain took the first steps in this new experiment. A gradual emancipation, during which an apprentice system and ample educational privileges were provided, was the result of the best statesmanship and philanthropy of the wisest and best of the nations of the Old World. Its

<sup>1</sup> Impressions and Experiences of the West Indies and North America, in 1849, by Robert Baird, A.M., 82.

<sup>2</sup> Franklin's Present State of Hayti; Levavasseur's *Esclavage de la race noire*, 22, et seq.

<sup>3</sup> *Colonies Etrangères*, by Schoelcher, vol. ii, pp. 171-320, gives a minute history of this period; pp. 321-331, give the excuses of the abolitionists.

first fruits differed so widely from prophecy, that new causes had to be sought to explain the result. These were found in this tardy system of gradual emancipation. Immediate and unconditional manumission was the only panacea. We have seen how soon it followed. The world knows its results, and none are more ready to acknowledge the utter failure of the entire scheme, than the enlightened statesmen and patriots of England. This is not attributable to their want of statesmanship or foresight. The whole secret of the failure was their utter ignorance of the negro character. The same legislation for a body of oppressed Saxons or Celts, would have been productive of blessings commensurate with the sacrifices made. But for the negro, they labored not only in vain but to his injury.

There is but one testimony as to the present condition of the British West Indies. "*Magnas inter opes inops*," is the lamentable condition of them all, and "daily they are sinking deeper and deeper into the utter helplessness of abject want." Taking Jamaica, the largest and most visited, as a standard (*ex uno, disce omnes*): "Shipping has deserted her ports; her magnificent plantations of sugar and coffee are running to weeds; her private dwellings are falling to decay; the comforts and luxuries which belong to industrial prosperity have been cut off, one by one, from her inhabitants; and the day is at hand when there will be none left to represent the wealth, intelligence, and hospitality, for which the Jamaica planter was once so distinguished."<sup>1</sup>

The condition of the Colonies has been frequently the subject of investigation by committees of the British Parliament; and huge volumes are filled with the evi-

<sup>1</sup> Bigelow's Notes on Jamaica (1850); The West Indies and North America, by Robert Baird (1849); The State and Prospects of Jamaica, by Dr. King; Colonies Etrangères, by Schœlcher; Gurney, on the West Indies; Cassagnac, Voyage aux Antilles; Negromania, by Campbell, and opinions of Knox, Franklin, and others, cited by him.

dence taken before such commissions. Legislative palliatives and cures have been exhausted in seeking to restore prosperity to these rich dependents of the crown. Despairing of ever infusing industry and thrift, where nature implanted idleness and improvidence, resort has been and is now being had to the introduction of Coolies from East India, to supply the labor necessary for an island amply supplied, could it be brought into requisition; and even a modified resumption of the importation from Africa meets with favor from British statesmen, substituting (nominally, as it must be) voluntary for involuntary emigration.

Not alone in material wealth has been the decline of these once flourishing colonies. The condition of the negroes physically, intellectually, and morally, keeps pace with this downward tendency. Their numbers are annually decreasing from disease, the result of uncleanness, and from want, the result of improvidence. Increase of crime is proportionate with the spread of misery. Chapels and schools are abandoned, and faithful teachers and missionaries have returned in despair to Europe.<sup>1</sup>

If the reports of travellers and the local newspapers can be relied on, these islands have not yet reached the lowest depth of degradation and misery to which they are doomed. Every year but adds to the desolation, physical and moral.<sup>2</sup>

The other British possessions upon which the decree

<sup>1</sup> See Reports of Missionaries, made in 1849, quoted by Dr. King, p. 111; The Slave-Trade, Foreign and Domestic, by Carey, p. 27.

<sup>2</sup> See numerous quotations, in Mr. Carey's work, pp. 25-35; also an instructive statement, by the West India Association of Glasgow, made April 14th, 1853; and found in New York Herald, May 31, 1853. From the official documents attached, it appears that from 1832 to 1847, 605 sugar and coffee plantations, containing 356,432 acres of land, and affording employment to 49,383 laborers, had been entirely abandoned. From 1848 to 1853, 513 more, containing 391,187 acres, were totally or partially abandoned.

of emancipation took effect, have experienced the same results. A graphic account of Guiana is given in the report of a commission, appointed in 1850, to inquire into its state and prosperity. "The most ordinary marks of civilization are fast disappearing," and the prediction is made of "its slow but sure approximation to the condition in which civilized men first found it."<sup>1</sup>

In Southern Africa the effects have been equally disastrous. Though the British residents at the Cape keep up a flourishing trade, the agricultural interests have suffered for want of laborers, and the farms have run to waste.<sup>2</sup> The same effects followed the Emancipation Act at Mauritius, and Coolies have been introduced to supply the place of former laborers. The free blacks everywhere were idle, unreliable, vicious, and thievish.<sup>3</sup>

The same results have followed the experiments of abolition made in the West Indies by other European nations. In the Danish colonies, where the slaves were well treated, the free negroes are described as living in "the greatest poverty, filth, and wretchedness."<sup>4</sup> The prosperity of the island is in the same degree diminished.

We shall see hereafter that the results in South America, Mexico, and Central America, exhibit a negro population in the same abject condition.<sup>5</sup>

<sup>1</sup> Lord Stanley's Letters to Mr. Gladstone.

<sup>2</sup> United States Japan Expedition, i, pp. 99-101, 103; The Cape and the Kaffirs, by Harriet Ward.

<sup>3</sup> United States Japan Expedition, 103, 109.

<sup>4</sup> Cor. of N. Y. Herald, Nov. 9th, 1855; Brougham's Colonial Policy, Bk. IV, Sect. 1.

<sup>5</sup> Dunn's Sketches of Guatemala.



## CHAPTER XV.

### EFFECTS OF ABOLITION IN THE UNITED STATES.

THE number of negroes emancipated in the United States was comparatively small, but the effects do not vary materially as to their condition, from those already noticed. The fact of their limited number, as well as the additional facts, that previous to their emancipation they were employed but little in agricultural pursuits, and that the nature of the agriculture of the Northern States of the Union was illy suited to this species of labor, protected the prosperity of those States from the depressing influences experienced elsewhere from the abolition of slavery. That their physical condition does not compare favorably with that of the slaves of the South is evident from the decennial census of the United States, showing a much larger increase in the latter than in the former. No surer test can be applied.<sup>1</sup>

<sup>1</sup> In order to obtain accurate information, I sent a circular to the Governors and leading politicians of the non-slaveholding States. I received answers as follows :

Maine, Hon. I. J. D. Fuller.

Vermont, Hon. J. Meacham.

Connecticut, Gov. Pond, and Hon. O. S. Seymour.

Rhode Island, Hon. B. B. Thurston.

New Jersey, Gov. Foot.

New York, Hon. S. G. Haven.

Pennsylvania, Hon. E. D. Ingraham.

Indiana, Gov. Wright.

Illinois, Gov. Matteson, Hon. W. A. Richardson.

Iowa, Judge Mason, Hon. Mr. Hern.

Michigan, Gov. Parsons.

Notwithstanding the very labored efforts made for their intellectual improvement, taken as a body they have made no advancement. Averse to physical labor, they are equally averse to intellectual effort. The young negro acquires readily the first rudiments of education, where memory and imitation are chiefly brought into action, but for any higher effort of reason and judgment he is, as a general rule, utterly incapable.<sup>1</sup>

I extract from their answers :

*Maine*.—"The condition of the negro population varies ; but is very far below the whites."

*Vermont*.—"Their condition and character have great varieties. They are not in as good condition as the whites."

*Connecticut*.—Gov. Pond says : "The condition of the negro population, as a class, is not thrifty, and does not compare favorably with the whites. There are many, comparatively speaking, who are industrious."

*Rhode Island*.—"They are, generally, industrious and frugal."

*New Jersey*.—"Their condition is debased ; with few exceptions very poor ; generally indolent."

*New York*.—"The condition of the negro population is diversified,—some prosperous, some industrious. They have no social relations with the whites. Generally on about the same level that whites would occupy with like antecedents."

*Pennsylvania*.—"I deem the condition of the negro population, in this State, to be that of a degraded class, much deteriorated by freedom. They are not industrious."

*Indiana*.—"They are not prosperous. The majority of them are not doing well. We have sent off thirty or forty this year to Liberia, and hope to send off one hundred or more, next year, and finally to get rid of all we have in the State, and do not intend to have another negro or mulatto come into the State."

*Illinois*.—"As a class, they are thriftless and idle. Their condition far inferior to that of the whites." (Gov.) "About the towns and cities, idle and dissolute, with exceptions. In the rural districts, many are industrious and prosperous." (Mr. Richardson.)

*Iowa*.—"Very few negroes in Iowa. Far above the condition of those met with in our Eastern cities."

*Michigan*.—"Tolerably prosperous. Far behind the white population."

<sup>1</sup> *Maine*.—"Admitted into the public schools with the whites. Very far below them in education."

His moral condition compares unfavorably with that of the slave of the South. He seeks the cities and towns, and indulges freely in those vices to which his nature inclines him. His friends inveigh against "the prejudice of color," but he rises no higher in Mexico, Central America, New Grenada, or Brazil, where no such prejudice exists. The cause lies deeper: in the nature and constitution of the negro race.<sup>1</sup>

*Vermont.*—"Generally able to read and write; a few are liberally educated; not like the whites."

*Connecticut.*—"Fall much below the whites in education."

*Rhode Island.*—"Some are educated in the district schools. Compare well with the whites of their condition."

*New Jersey.*—"Generally ignorant. Far below the whites in intelligence."

*New York.*—"Generally very poorly, or but little educated."

*Pennsylvania.*—"Not educated. It is remarkable, that almost all the decent and respectable negroes we have, have been household slaves in some Southern State."

*Indiana.*—"Not educated."

*Illinois.*—"Ignorant." (Gov.)

*Michigan.*—"Not generally educated. Far below the whites."

<sup>1</sup> *Maine.*—"Far below the whites."

*Vermont.*—"Not as good as the whites."

*Connecticut.*—"Does not compare favorably with the whites." (Gov.) "They are, with us, an inferior caste; and in morality fall much below the whites." (Seymour.)

*New Jersey.*—"Immoral; vicious animal propensities; drunkenness, theft, and promiscuous sexual intercourse quite common. One-fourth of the criminals in the State prison are colored persons; while they constitute only one twenty-fifth of the population."

*New York.*—"Diversified; some moral."

*Pennsylvania.*—"Immoral. I am satisfied, from forty years' attention to the subject, that the removal of the wholesome restraint of slavery, and the consequent absence of the stimulus of the coercion to labor of that condition, have materially affected their condition for the worse. They exhibit all the characteristics of an inferior race, to whose personal comfort, happiness, and morality, the supervision, restraint, and coercion of a superior race seem absolutely necessary."

*Indiana.*—"In many instances very immoral."

*Illinois.*—"Thrifless, idle, ignorant, and vicious." (Gov.) "In towns and cities dissolute, with exceptions." (Richardson.)

The emancipated negroes do not enjoy full and equal civil and political rights in any State in the Union, except the State of Vermont. In several of the States they are not permitted to vote,<sup>1</sup> in some under peculiar restrictions.<sup>2</sup> In almost every State where the matter has been made a subject of legislation, intermarriages with the whites are forbidden.<sup>3</sup> In none are such marriages at all common.<sup>4</sup> In many they are forbidden to serve as jurors, or to be sworn as witnesses against a white person,<sup>5</sup> or hold any elective office.<sup>6</sup>

The criminal statistics of the slaveholding and non-slaveholding States show that the proportion of crime committed by negroes in the former does not reach the ratio of this population as compared with the whites,<sup>7</sup> while in the latter the ratio is much greater. The same is true of the statistics of mortality and disease. The apparent disproportion in the former case is greater than the truth, as many petty crimes by slaves do not reach the courts; and in the latter, it may be truly said that the southern climate is more favorable to the health and longevity of the negro. But making due allowances in both cases for these causes, it is still true, that the ne-

*Iowa.*—"Of a fair character."

*Michigan.*—"Tolerably moral. Far below the whites."

<sup>1</sup> Connecticut, New Jersey, Pennsylvania, Indiana, Illinois, Iowa, Michigan.

<sup>2</sup> New York.

<sup>3</sup> Maine, Rhode Island, Indiana, Illinois, Michigan.

<sup>4</sup> *Connecticut.*—Issue cannot vote.

*New Jersey.*—No legislation; and no cases of such marriage.

*New York.*—Issue considered as blacks.

*Pennsylvania.*—Issue considered as blacks.

*Iowa.*—No such cases.

<sup>5</sup> Connecticut, New Jersey, Indiana, Illinois, Iowa.

<sup>6</sup> Connecticut, New Jersey, Pennsylvania, Indiana, Illinois, Michigan.

<sup>7</sup> Judge Starnes, of Georgia, published several articles, giving statistics on this point, worthy of a more lasting existence, than derived from the columns of a newspaper.

groes are less addicted to crime, and are more healthy and longlived, in a state of slavery than of freedom.<sup>1</sup>

<sup>1</sup> In giving my conclusions, as to the free negroes of the North, I have relied on numberless authorities, combined with personal observation. I subjoin only a few. Paulding, on Slavery; Abolition a Sedition, by A Northern Man; Bishop Hopkins's American Citizen, 135; Seaboard Slave States, p. 125; Reports of American Colonization Society; Report of Naval Committee of H. of R., on establishing a line of Mail Steamships to Liberia (1850); Negromania, by John Campbell, being a collection of papers by distinguished men.

## CHAPTER XVI.

### SLAVERY IN SOUTH AMERICA.

THE slave-trade was kept open by the Brazilian Government to a very late period. The number of negroes and persons of mixed blood within the territory is estimated as bearing the proportion of five to one of the white population. All of these are not slaves; the bond being estimated as only two-fifths of the whole. The number of free negroes, mulattoes, &c., is hence very considerable. There is probably no state in the world where there is less "prejudice of color" than in Brazil, though a slaveholding state. At court, in the army, in the haunts of business, everywhere may be found freely mingling together persons of every hue. The free negroes are frequently the owners of numbers of slaves, and are reported to be the most cruel masters. The slaves generally are kindly treated by, and are attached to their masters, though destitute in a great measure of the sense of gratitude. They are "indolent, thoughtless, and licentious," but not rebellious.<sup>1</sup>

New Grenada, with all other Spanish provinces, inherited negro slavery. The numbers were never very great, nor have they increased as in the United States; while the mixed and copper-colored constitute nearly

<sup>1</sup> For these facts, I rely principally on Wilkes's Exploring Expedition, vol. i, pp. 36, 56-68, 89, and Brazil and La Plata, by C. S. Stewart, U. S. N. In Brazil, as in other slaveholding states, there seem to be no beggars.

one-third of the entire population. The negroes were estimated, in 1853, at only 80,000, which is scarcely one-thirtieth. In 1821, just after the Revolution, a law was passed by the Republic of Colombia, for the gradual manumission of slaves, and all born after that date were declared free at the age of eighteen. By a law of 1851, slavery was entirely abolished in New Grenada, by giving liberty to all who remained slaves, on the 1st of January, 1852, provision being made for the payment of the owners.<sup>1</sup> The results of this emancipation have been the same with similar efforts elsewhere. The negroes, as a class, are idle, immoral, vicious, preferring to beg and steal rather than work. The destruction and desolation in some of the finest agricultural districts, consequent upon the Act of 1821, are described as deplorable in the extreme. The want and destitution of the poorer classes are pitiable. "Their morals can sink no lower, and their religion can raise them no higher."<sup>2</sup>

Slavery exists in other portions of South America. In Chili and Peru there seem to be but few negroes. In the latter the slaves are treated with great kindness. It is no unusual sight to see a mistress and her slave kneel-

<sup>1</sup> Memoir on the Physical and Political Geography of New Grenada, by General De Mosquera, ex-President of the same.

<sup>2</sup> New Grenada, by Isaac F. Holton, pp. 173, 269, 527, 533. I am indebted for some of the facts stated, to letters from Col. King and Judge Bowlin, late ministers of the United States to New Grenada. The latter says, "The universally admitted characteristics of the negro, when unrestrained,—of indigence, improvidence, and indolence,—are strikingly exemplified in New Grenada, where every avenue is equally open to him as to the white man, to elevate his condition; yet, if he does not recede, he certainly makes no advance in the progress to a higher civilization." Living on tropical fruits, and indulging in intoxicating drinks, he adds, "He generally goes in a state of nudity; and when he does not, he merely wears a coarse shirt, or a shirt and pantaloons made of coarse cotton." "Take them all in all, they are a miserable race, encumbering the earth, whose vicious qualities civilization seems only to develop more strongly."

ing in a cathedral, side by side, on the same piece of cloth.<sup>1</sup>

The negroes in La Plata are more numerous. Commodore Stewart saw more than one thousand negro washerwomen at one time on the shores of the river. In the late Revolution the negroes were offered their liberty, without compensation to their masters, on condition of enlisting as soldiers for the war. Many availed themselves of this privilege.<sup>2</sup>

<sup>1</sup> Wilkes's Exp. Exp. vol. i, 257 ; vol. ix, Races of Man, by Dr. Pickering.

<sup>2</sup> Brazil and La Plata, by C. S. Stewart.



## CHAPTER XVII.

### SLAVERY IN THE UNITED STATES.

NEGRO slavery continues to exist in fifteen of the United States of America. In Virginia, Kentucky, and Missouri, attempts have been made to bring about emancipation by the State governments; it being admitted by all that the Federal Government has no power to interfere with or seek to regulate the institution within the States. In 1787, the first abolition society was formed, since which time they have greatly increased, their object being to bring to bear upon the slaveholding States the powerful public sentiment of the other States; to bring into action the powers of Congress, wherever legitimately to be exercised, against the continuance of the institution, and thus indirectly to effect what could not be done directly. The infatuated zeal of many fanatics has carried them farther, and induced them to endeavor, by incendiary publications and agents, to excite insurrections among the slaves, and in other ways to force the masters to consent to their emancipation. In later years, some of the more excited have inveighed against the Constitution of the United States, as a "league with hell," because its provisions limited the powers of the general government on this subject. In fact, the history of abolitionism in the United States has been the history of fanaticism everywhere, whose later deeds are not even shadowed forth in its earlier years; and with whom obstacles and impediments, the more insurmountable they are in fact,

but feed the flame of zeal, and more effectually dethrone the reason. This class of abolitionists, however, have ever been comparatively few in number ; while those who sympathize with the objects above-mentioned (the legitimate use of means to extinguish slavery), have ever been, in the non-slaveholding States, numerous and respectable. The points of conflict in our national assemblies, upon which difficulties have arisen between the advocates of these doctrines and their opponents, are based upon the question, what powers were given by the Constitution to Congress, and at what time and in what way they could be exercised ? Such have been the questions as to the admission of new States into the Union, where slavery was recognized ; the abolition of slavery and the slave-trade in the District of Columbia, and in the forts and arsenals, and other public property belonging to the United States, and situated within the slaveholding States ; the prohibition of slavery within the territories of the United States, before their application for admission as States, and the regulation of the domestic slave-trade between the slaveholding States.

It is not my purpose to extend this sketch, by giving the history of the conflicts upon each of these questions. They have threatened, seriously, the existence of the government. Suffice it to say, that the right of each State to regulate for itself its domestic relations, so far as this question is concerned, seems now to be acknowledged by the statesmen of the country ; and that, hence, the existence of slavery in a State is no ground for rejecting its admission into the Union. The slave-trade in the District of Columbia has been properly abolished ; and slavery therein, and in the public forts, &c., is left, as required by good faith, to abide the fate of the institution in the adjacent States by which they were ceded. The right to prohibit slavery in the territories of the United States has been denied by the Supreme Court, in

a late and most elaborate decision.<sup>1</sup> And the same Court long since decided, that an attempt to regulate the domestic slave-trade between the States, would give virtually to Congress the right to abolish or establish slavery in every State of the Union.<sup>2</sup> That these questions may be allowed here to rest, and be no longer used as hobbies by interested demagogues to excite sectional strifes for personal advancement, should be the sincere wish of every true American citizen.<sup>3</sup>

Having been generally well-treated, the slaves have never exhibited that disposition to revolt so frequently seen in the West Indies. No Maroons have infested our mountains; no wars of the Maroons stain our annals. But one insurrection, worthy the name, has ever occurred, and that was in Virginia in the year 1800. The plot (as all others will be) was made known by faithful slaves to their masters, and effectual measures taken for its suppression. Several negroes, leaders in the rebellion, were tried and executed. The evidence on their trial showed that they were instigated by a white man, and that their whole plans manifested a weakness in conception unequalled except by the history of the negro.<sup>4</sup>

Cases of individual manumission have been frequent in all the States. In many of them, the idle and lazy habits of the free negroes, and the continual agitation of the question of abolition by Northern fanatics, have

<sup>1</sup> *Dred Scott v. Sandford*, 19 Howard. The other and interesting question decided in this case, whether a negro can become a citizen of the United States, will be considered at another place.

<sup>2</sup> *Groves v. Slaughter*, 15 Peters, 449.

<sup>3</sup> M. Levavasseur exposes, in a masterly manner, the policy of Great Britain, in fomenting the abolition excitement in the United States; hoping thereby, to retard their march towards universal empire on the American Continent. I would that every citizen of the Union could read the remarks of this disinterested philosopher. *Esclavage de la race noire*, p. 31, et suiv.

<sup>4</sup> See the documents, respecting the insurrection, published in the *Richmond Recorder*, April 3d, 6th, and 9th, 1803.

induced the legislatures to prohibit domestic emancipation, and thereby compelled masters, thus disposed, to send their slaves either to other States or to Africa in order to receive their freedom. This influx of free negroes has not been acceptable to the non-slaveholding States, especially the new States of the West, to which they were principally sent. Hence most, if not all of them, some by their constitution, and some by legislative acts, have prohibited the introduction of free negroes into their territory. Liberia is therefore left as the only home of the emancipated negro. Africa gave birth to the negro. Africa alone offers him, as a freeman, a grave.

The work to which this sketch is an introduction, is intended to exhibit the exact *status* of the slave in the United States; a repetition here upon these points would be inappropriate. That their bondage has been mild is evidenced by their great and rapid increase. For about 333,000 slaves imported, there are now more than 4,000,000. Their physical development is unquestionably much superior to that of the negro in his native country. Their longevity is remarkable. Their mental development has advanced very considerably, still retaining, however, the negro characteristics, except in the case of the mulattoes, where the traits of the white parents are sometimes developed. But above all, their moral improvement is most evident. Though still inclined to superstition, they are frequently exemplary Christians, and generally inclined to be religious. An avowed infidel is a *rara avis* among the negroes. The statistics of the different churches in the slaveholding States show a greater number of negroes converted and admitted into the Church than all the conversions which have crowned the missionary efforts of the world. The improved negro, however, exhibits still the moral weaknesses of the native Ebo; his sins, if any, are theft, lust, and falsehood.

Both politically and socially negro slavery has its benefits and its evils. To the negro himself the former greatly preponderate. To the owners, the masters, the question is a greater problem, and there is more room for honest differences of opinion.

Politically, slavery is a *conservative* institution. The mass of laborers not being recognized among citizens, every citizen feels that he belongs to an elevated class. It matters not that he is no slaveholder; he is not of the inferior race; he is a freeborn citizen; he engages in no menial occupation. The poorest meets the richest as an equal; sits at his table with him; salutes him as a neighbor; meets him in every public assembly, and stands on the same social platform. Hence, there is no war of classes. There is truthfully republican equality in the ruling class.

The laborers being slaves, there is not the same danger of conflicts between labor and capital, nor the same liability to other excitements in crowded masses, which end in riots. These are unknown in pure slaveholding communities.

Raising their own laborers, there is no inducement for foreign immigration into slaveholding communities. Their citizens imbibe freedom with their mother's milk.

The leisure allowed to the slaveholder gives him an opportunity of informing himself upon current questions of politics, and his interest being identical with his neighbors, in preserving existing institutions, the Southern politician addresses always a body of men having a common sentiment, and not to be influenced to so great an extent by the "humbugs" of demagogues. This is an influential element in forming public opinion, and acts thus *conservatively* upon the public men of the South.

Official position is not very consistent with the interest of the slaveholder, and hence is never sought for its

pecuniary emoluments. It is coveted only by those ambitious of distinction. Hence, the public men of the South do not find themselves supplanted by unprovided aspirants, but their services are frequently gratefully received by their constituents. Born to command, and habituated to rule, they frequently commend themselves to the nation by their firmness, their independence, and their fearlessness. These are important elements in the character of a statesman.

Slavery is a protection from *pauperism*, the bane for which the wisdom of civilized man has not yet prepared an antidote. In America, affliction, old age, and idleness, are the only sources of pauperism. Where the laborers are slaves the master is compelled by law to provide against the former, and is authorized to protect himself against the latter. The poorhouse, therefore, is almost unknown.<sup>1</sup>

The severities of winter and the depression of financial crises, bring no horrors to the laborers of the South. The interest of the master as well as the law of the land protect the negro against the former, while a change of masters is the worst result which can befall him from the latter.

As already intimated, there is perhaps no solution of the great problem of reconciling the interests of labor and capital, so as to protect each from the encroachments and oppressions of the other, so simple and effective as negro slavery. By making the laborer himself capital, the conflict ceases, and the interests become identical.

On the other hand, a slaveholding State can never be densely populated. The slaves, moreover, occupying

<sup>1</sup> See a very instructive and interesting table, on this subject, in the Abstract of the Seventh Census, p. 28, by which it appears that the small State of Rhode Island returned 2560 paupers, as receiving support during the year ending 1st June, 1850, while in Georgia there were only 1036.

the places of free laborers, and three-fifths only of their number being estimated under the Constitution of the United States, for representative purposes, the result is inevitable that the slaveholding States must ever have a smaller voice, politically, than the same territory would command with free labor. To this extent slavery destroys their political equality in the nation.

Another result of a sparse population is, that a perfect system of thorough common school education is almost an impossibility. Extensive plantations, occupied by slaves only, independent of the exhausting crops cultivated and annually adding to barren fields, render a perfect system of common schools impossible.

In a slaveholding State, the greatest evidence of wealth in the planter is the number of his slaves. The most desirable property for a remunerative income, is slaves. The best property to leave to his children, and from which they will part with greatest reluctance, is slaves. Hence, the planter invests his surplus income in slaves. The natural result is, that lands are a secondary consideration. No surplus is left for their improvement. The homestead is valued only so long as the adjacent lands are profitable for cultivation. The planter himself, having no local attachments, his children inherit none. On the contrary, he encourages in them a disposition to seek new lands. His valuable property (his slaves) are easily removed to fresh lands; much more easily than to bring the fertilizing materials to the old. The result is that they, as a class, are never settled. Such a population is almost nomadic. It is useless to seek to excite patriotic emotions in behalf of the land of birth, when self-interest speaks so loudly. On the other hand, where no slavery exists, and the planter's surplus cannot be invested in laborers, it is appropriated to the improvement or extension of his farm, the beautifying of the homestead where his fathers are buried, and where he hopes

to lie. Of course we speak of classes, not of individuals. The result is the withdrawal of all investments from the improvement of the lands, another deleterious effect of slavery to the State.

It has been asserted that slave labor is exhausting to lands. So far as the cause already alluded to withdraws the planter from the improvement of his land, it is true. But the more satisfactory explanation of the exhausting cultivation of Southern lands, is the nature of the crops planted. Being "clean" crops, the exposure of the naked ploughed lands to the long-continued heat of the summer sun, would be followed by sterility, partial or complete, whether free or slave labor was used in their cultivation.

It has often been asserted that free labor is cheaper than slave, and evidence has been industriously sought in the British colonies to show that the labor of the emancipated negro there, is cheaper than that of the slave.<sup>1</sup> In dense populations, where the question is labor or hunger, the assertion is generally true; for the amount invested, either in the purchase or rearing of the laborer, is necessarily that much more than the cost of food and raiment, which both free and bond must have, and which is all that, under such circumstances, competition and necessity leave to the free laborer. If either one of two facts existed, the assertion might be true of the Southern slaveholding States, viz., the successful introduction of a dense white population to take the place of the slaves; or, the introduction into the negro nature of some principle to counteract that sloth which abhors work, and that absence of pride and principle which prefers theft and beggary to industry and thrift. To the possibility of the former two great obstacles arise, in the first place, climate and disease, which bring death to the Saxon, and health and immunity to the African; in the second,

<sup>1</sup> See Gurney's West Indies.



the impossibility of cultivating extensively the staple productions of the South, rice, sugar, cotton, and tobacco, except by associated labor, not subject to the contingencies of "strikes" or caprices.

The possibility of the latter contingency is shown not to exist, by the examples of the negro character wherever and whenever emancipated. The free negroes of the United States, North and South, of the West Indies, and of Liberia, show an indisposition to labor, except from absolute necessity, which manifests a characteristic of the race.<sup>1</sup> The introduction of Coolies, by both Great Britain and France, into their colonies, is upon the avowed allegation of the idleness of the negro.

While, then, the general proposition, that free labor is cheaper than slave, may be true, it would seem that slave labor is the only effectual, and therefore cheapest, labor which the Southern States can use in the production of their staples. Experience, at the South, has shown this to be true in the building of railroads. Slave labor must be used successfully on uniform work, requiring physical strength, without judgment or discretion. Wherever such work in large quantity can be found in the Southern climate, slave labor is the cheapest that can be applied.

As a social relation, negro slavery has its benefits and its evils. That the slave is incorporated into and becomes a part of the family, that a tie is thus formed between the master and slave, almost unknown to the relation of master and hireling, that in consequence even the young spendthrift experiences a pang in sun-dering a relation he has recognized from his infancy, that the old and infirm are thus cared for, and the young

<sup>1</sup> Antigua is frequently referred to as an example of voluntary free labor by negroes. The island is small, the inhabitants few; but at the same time, fully occupying the whole territory. The whites have been wise and humane, and the experiment, on this small scale, has been more successful than elsewhere.

protected and reared, are indisputable facts. Interest joins with affection in promoting this unity of feeling. To the negro, it insures food, fuel, and clothing, medical attendance, and in most cases religious instruction. The young child is seldom removed from the parent's protection, and beyond doubt, the institution prevents the separation of families, to an extent unknown among the laboring poor of the world.<sup>1</sup> It provides him with a protector, whose interest and feeling combine in demanding such protection.

To the master, it gives a servant whose interests are identical with his own, who has indeed no other interest, except the gratification of a few animal passions, for which purpose he considers it no robbery to purloin his master's goods.

In short, the Southern slavery is a patriarchal, social system. The master is the head of his family. Next to wife and children, he cares for his slaves. He avenges their injuries, protects their persons, provides for their wants, and guides their labors. In return, he is revered and held as protector and master. Nine-tenths of the Southern masters would be defended by their slaves, at the peril of their own lives.

The evils of the system are equally unquestionable. That it engenders in the youth of the South that overbearing and despotic spirit, ascribed to the relation by Mr. Jefferson, is not true to the extent he alleges. The fact, that Northern men are sometimes the most exacting masters, is well known. The reason of this is that they expect from the slave the amount of work which they have received from a hireling. *This he never will do*, and the Southern-bred master does not look for it. The security of his place, as well as the indolence of his

<sup>1</sup> On my father's plantation, an aged negro woman could call together more than one hundred of her lineal descendants. I saw this old negro dance at the wedding of her great granddaughter. She did no labor for my father for more than forty years before her death.

nature, do not furnish the necessary stimulus. It is true, however, that the young man of the South *is accustomed to rule*, and even the son of a poor man, without a slave, to a certain extent, commands obedience from the negro population. The result is a spirit of independence, which brooks not opposition. Within a proper limit this is not an evil. Indulgence makes it a sin.

A good consequence of this is, a more perfect equality in social life, among the rich and poor, than can be had where the menial servants are of the same color. An evil consequence is a too great sensitiveness on questions of personal honor, and a corresponding disposition to settle them "by wager of battle."

An evil attributed to slavery, and frequently alluded to, is the want of chastity in female slaves, and a corresponding immorality in the white males. To a certain extent this is true; and to the extent that the slave is under the control and subject to the order of the master, the condition of slavery is responsible.

Every well-informed person at the South, however, knows that the exercise of such power for such a purpose is almost unknown. The prevalence of the evil is attributable to other causes. The most prominent of these is the natural lewdness of the negro. It is not the consequence of slavery. The free negro in Africa, in the West Indies, in America, exhibits the same disposition, perhaps not to the same degree when living in a Christian community.<sup>1</sup> Another cause is the fact that the negress knows that the offspring of such intercourse, the mulatto, having greater intelligence, and being in-

<sup>1</sup> The ratio of mulattoes to blacks, among the free colored population of the Northern States, shows this to be true among them. In Maine, 51; New Hampshire, 54; Vermont, 40; Massachusetts, 34; Connecticut, 30; and Rhode Island, 24, out of every 100 were mulattoes, in 1850. See Mortality Statistics of the Census of 1850, p. 35. Bowen alludes to this vice in Liberia, but hopes it is not so prevalent, "if report may be trusted, as with the people of Sierra Leone, or of France." Central Africa, p. 32.

deed a superior race, has a better opportunity of enjoying the privileges of domestics ; in other words, *is elevated* by the mixture of blood. Her sin does not entail misfortune but good fortune on her children. Nor does she lose any social position even with her own race. Under such circumstances the prevalence of this sin is not surprising.

It is undoubtedly true, that from this cause the poor white females of the slaveholding States are not subject to as great temptations and importunities as they would be under other circumstances. That the ignorant poor, under the heating Southern sun, would compare unfavorably with those of colder climates in this particular, except for this institution, is manifested by the immorality of some ignorant districts in slaveholding States, where but few negroes are found. How far such a result counterbalances the evil admitted, can be weighed only by the great Arbiter of the universe.

A social evil of no small magnitude, arising from this condition, is the imbibing by children of the superstitions, fears, and habits, of the negroes, with whom they are necessarily, to some extent, reared. The negro is not yet more than semi-civilized. The marvellous and the unearthly, ghosts, witches, and charmings, are mingled even with his religion. Great caution is necessary, on the part of the Southern mother, to protect the young child from such influences.

The inability of the slave parents to control and govern their own children from the intervention of another power, the master's, has been considered an evil of this social system. Theoretically it is ; practically it is not, for two reasons : first, the master never interferes with but rather encourages such government ; it is an aid to him. And, second, unless the child in some way interferes with the comfort or wishes of the parent, the negro has no disposition to control his waywardness or his vices.

That the marriage relation between slaves is not recognized or protected by the law, is another evil to the negro attending the system, and to a qualified extent it is an evil. In practice, public opinion protects the relation. The unfeeling separation of husband and wife, is a rare occurrence. It never happens when both belong to the same master. To regulate properly this relation by legislation, so as to prevent inhumanity on the one hand, and not to bind too much the owner's power of selling an unworthy or unruly slave on the other, requires great sagacity and prudence.

It would require a prophetic vision to foretell the future of the American negro slaves. Emancipation, in their present location, can never be peacefully effected. Until the white race of the South is exterminated or driven off, it can never be forcibly effected. Amalgamation, to any great extent, is a moral impossibility. Colonization on the coast of Africa could be effected only at immense cost, and at the sacrifice of the lives of at least one-fourth of the emigrants. So long as climate and disease, and the profitable planting of cotton, rice, tobacco, and cane, make the negro the only laborer inhabiting safely our Southern savannas and prairies, just so long will he remain a slave to the white man. Whenever the white laborer can successfully compete with him in these productions and occupy this soil, the negro will either be driven slowly through the Isthmus, to become amalgamated with the races of South America, or he will fall a victim to disease and neglect, begging bread at the white man's door.

## CHAPTER XVIII.

### AFRICAN COLONIZATION.

Two attempts have been made to colonize the negro in Africa. During the American war of revolution, Great Britain, to induce the slaves to join her standard, promised to all such freedom. At the close of the war, such negroes as had accepted the offer were carried temporarily to Nova Scotia, and finally colonized at Sierra Leone, on the coast of Africa. To these have been added large numbers of captured Africans found on board of slavers, which have fallen into the hands of British cruisers. No special attention has been aroused in the mother country, among the benevolent and Christians, to this colony; and so far as the same may be considered as an effort to evidence the capacity of the negro for self-elevation, it is an admitted failure. Without dwelling longer on its history, we turn to Liberia, where everything has been done which philanthropy or religion could suggest, to develop to its fullest capacity the moral and intellectual growth of the negro.

Satisfied that the only condition in which the white and black races could live together, to their mutual advantage, was that of slavery to the latter, and looking to Africa, the birthplace of the negro, for a home and a grave, the friends of the negro in the United States inaugurated an effort, in 1816, to test his capacity for a self-sustaining civilization upon its shores. The philanthropists of the entire Union joined heartily in this en-

terprise, some of the noblest names of the Republic being recorded as its earliest friends. The legislatures of the States, North and South, with great unanimity, approved of the movement, and earnest, zealous, active friends have devoted time, talents, wealth, health, and life, to insure its success. Never in the history of the world has a colony been planted from purer philanthropy, nor cherished with greater munificence, nor followed by more ardent prayers. Liberia is the child of philanthropy and religion. The sympathies of the civilized world have been with her. She has had no human enemies, save the savages of her own race, surrounding her borders, and a few fanatical abolitionists in our own country.

It is not necessary to our purpose to trace minutely its history. A few facts will present its inception and its present position. The first emigrants were sent out in 1820. In April, 1822, the American flag was first hoisted at the spot now occupied by Monrovia, the capital of the Republic. From that date to 1847, white Governors, appointed by the American Colonization Society, presided over its destinies. During that year steps were taken to declare its independence, and on the 3d of January, 1848, Governor Roberts was inaugurated President of the Republic. From that time to the present it has maintained its separate existence, although the Colonization Society has continued, not only its friendly advice and sympathy, but has annually sent out, at its own expense, large numbers of emigrants, besides frequent direct contributions of money for various purposes. The British Government presented to the young Republic "a man-of-war." The French Government presented her a supply of arms. Their and the American cruisers have been ever ready to extend to her their assistance and protection.<sup>1</sup> Her entire

<sup>1</sup> Africa and the American Flag, by Com. Foote, 181, 182.

territory, extending along the coast seven hundred miles, has been purchased and paid for by the contributions of friends. These and similar facts only show the favorable circumstances which have attended the new Republic.

Too much should not be expected from an infant colony; but remembering that these emigrants, in the main, represent the most worthy and most energetic of the negro and mixed race of the United States; that they have annually received a fresh supply of similar emigrants from the States; that they have been fostered as before stated; and that *thirty-seven* years have elapsed since the planting of the colony, we are permitted to look, to some extent, for the evidence of their capacity for a self-sustaining civilization.

From this view, we will not say that the effort is a failure. The prospect of the negro being used as the instrument of civilizing his birthplace; and that, torn away a savage from his native land by the cupidity and avarice of his fellow-man, he shall be restored, a Christian, by the philanthropy of his brother man, has in it something of that sublimity which would evidence the purpose of God. We should be slow to disbelieve such a purpose, though "his ways are not as our ways."

In 1845, a census of the colony, with several interesting statistical tables, was published. From these we learn that the total number of emigrants sent out up to that date was 4454. Of these there were left in the colony only 1736. Of the remainder, 2198 had died, and 520 had removed. The *Thirty-fifth Annual Report* of the Society shows that, in 1851, the number of emigrants sent out had increased to 8636. In 1852 and 1853, there were sent out 1449 more, making 10,085 emigrants to that date. Estimating 700 for the four last years each, would give us 12,885. How many of these survive and remain in the colony, I have no means of deciding. The



total civilized population of the Republic does not now amount to exceeding 8000 souls.<sup>1</sup> The increase of population does not show physical improvements. I am aware of the numbers who fall victims to the acclimating fever, greater, I doubt not, than publications admit. I am aware also of Dr. Lugenbeel's account of the diseases of the colony, the most troublesome and fatal of which, according to him, have their origin in a want of cleanliness, precisely what one would fear, at all acquainted with negro character.<sup>2</sup>

Another striking fact to be deduced from the tables alluded to, is the congregation of all the emigrants in the towns and villages, and their adherence to traffic, rather than agricultural or mechanical employments.<sup>3</sup> The love of a negro for a town, and his aversion to regular labor, which are proverbial,<sup>4</sup> he seems to retain in Liberia, where, with a rich and productive soil, agriculture seems confined to the natives. Hence, the current report of the emigrants holding slaves, so often contradicted.<sup>5</sup> That many of the emigrants have amassed considerable property by their industry, is a gratifying fact; although it would be more satisfactory did we

<sup>1</sup> Commander Foote, U. S. N., estimates them at 7500, in 1854. *Africa and the American Flag*, 198. Bowen estimates them, from the best authorities, at 7792, in 1857. *Central Africa*, 35.

<sup>2</sup> *Sketches of Liberia*, ch. vii (published by Am. Col. Soc.).

<sup>3</sup> Bowen estimates those devoted to agriculture, at 8 per cent.; mechanics, 5 per cent., p. 35.

<sup>4</sup> Mr. Gerrit Smith gives a striking illustration of this fact in a letter, stating the number of free negroes to whom he has donated farms, in Western New York, and the very small number who have cultivated them.

<sup>5</sup> Dr. Lugenbeel says, "that comparatively few of the present citizens of Liberia are regularly and systematically engaged in the cultivation of the soil." Again, "A more *regular, systematic, and persevering* course of farming operations must be introduced." The italics are his own. Foote says, "The want of agricultural industry has been the difficulty with the Liberians." 194. Bowen says, "A majority of the colonists appear to be, more or less, engaged in traffic." p. 35.

know how much they carried with them, and also how many of these successful traders were pure negroes. That there are very many idlers and some *beggars* in the Republic, is an admitted fact.<sup>1</sup>

It is not easy to arrive at a satisfactory opinion as to the intellectual progress of the Liberians. Their Constitution was framed, to a great extent, for them.<sup>2</sup> The addresses of Governor Roberts (a mulatto), and the productions of the pens of others, indicate thinking minds, and some considerable education. These, however, were trained in America. In the census referred to, the name of every child *born in the colony* is given, and the extent of the education of each. The highest specified was, "can read and write," though many had reached twenty years of age. Not one is reported as having a *liberal* or classical education. It does not speak well for the appreciation of education by the Liberians, that every school in the Republic is maintained by the charity of religious sects in the United States;<sup>3</sup> nor the additional fact, that the "classical school," established by the Presbyterians, the only one in the Republic, numbered, in 1852, only *eight* scholars, out of the entire population.

As to the moral progress of the Liberians, we cannot

<sup>1</sup> "It is said that the young people are too much addicted to idleness." Bowen's Central Africa, 33 (1857). "Indolence is the only just reason why beef, milk, and butter are not abundant in this country, where they are now almost unknown." p. 45.

"Some are rich, some are doing well, and some are just able to get along in the world; others are poor, and there are those that beg." "We see farms and lots of many grown over with bushes, and not a single potato planted in them. In the very countenance of some, we see industry and enterprise depicted, but with others, we discover the reverse." Fuller and Janifer's Reports to Maryland Col. Soc. "If they exerted themselves a little more, and depended not so much on the natives, they would have no complaints to make." Ibid.

<sup>2</sup> Report of R. R. Gurley, p. 21.

<sup>3</sup> Bowen's Central Africa, p. 32 (1857); School Reports, attached to census of Africa's Redemption, 203.

speak with any degree of certainty. They seem to retain many of the characteristics of the negroes in the United States. Foote speaks of their disposition to deal in superstition and the supernatural.<sup>1</sup> Their religious teaching is almost exclusively confined to the labors of missionaries, sent from and supported by American Christians. From the tables accompanying the census, above referred to, it appears that the crimes to which they are addicted in Liberia, partake much of the same character with those committed by the negroes of America. Of 373 reported trials for offences, 308 were for larceny of different degrees. Kidnapping, rioting, rape, and murder, complete the list. Lust, the besetting sin of the negro, seems to accompany him to Liberia, and a want of chastity in the female.<sup>2</sup> The proportion of the population, who are professing Christians, is perhaps larger than that of the slaves in the United States.

The emigrants have waged several wars successfully against neighboring tribes, with great disparity of numbers. They have rendered some efficient service in repressing the slave-trade along their coasts.<sup>3</sup> They have not been guilty of the excesses, the turbulence, nor the restlessness of the emancipated negroes of the West Indies. All these facts speak in favor of their civilization. How far they may be accounted for, on other grounds, it is unnecessary to discuss. Let us hope that they indicate a developing civilization. For the present, African colonization is an experiment. Its disinterested and not too zealous friends, are not prepared to announce its success. Foote says, "In devising measures for the benefit of Liberia, one thing was pre-eminently to be

<sup>1</sup> Africa and the American Flag, 197.

<sup>2</sup> Bowen's Central Africa, p. 32.

<sup>3</sup> The abolitionists deny this, and say that the trade was carried on in the Colony. No reliance, however, can be placed on these statements. See Slavery and Anti-Slavery, by Goodell, 352, and note.

kept in view, which was, that the people be prevented from sinking back to become mere Africans." Dr. Lugenbeel, who resided long in Liberia, speaks with hesitation of its future: "I am quite satisfied that if the Republic of Liberia shall ingloriously fall, and her institutions be demolished, the result will indubitably exhibit the melancholy fact, that the maintenance of an independent government, by the colored race, is at least a subject of doubtful practicability."

I have referred only to a few facts admitted by the best friends of colonization, which seem to indicate that the negro has undergone no radical change by removal to his native shores. The danger is, that as the generation of emigrants becomes extinct, their descendants will relapse gradually into the heathenism and barbarism which surround them. So long as annual exportations from the United States, of the most energetic and intelligent of our free colored population continue, an appearance of activity and life will be exhibited. But to prove the capacity of the negro, for a self-evolving civilization, he must be left to himself for a few generations. Good men and wise men differ as to the final result. I must confess my own incredulity.

## APPENDIX.

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### WHAT IS SLAVERY, AND ITS FOUNDATION IN THE NATURAL LAW.

*Absolute or Pure Slavery* is the condition of that individual, over whose life, liberty, and property another has the unlimited control. The former is termed a slave ; the latter is termed the master. Slavery, in its more usual and limited signification, is applied to all involuntary servitude, which is not inflicted as a punishment for crime.<sup>1</sup> The former exists at this day in none of the civilized nations of the world ; the latter has, at some time, been incorporated into the social system of every nation whose history has been deemed worthy of record.<sup>2</sup> In the former condition the slave loses all *personality*, and is viewed merely as *property* ; in the latter, while treated under the general class of *things*, he possesses various rights as a person, and is treated as such by the law.<sup>3</sup>

<sup>1</sup> The definitions of slavery have been various. According to the Institutes it was " Constitutio juris gentium, quâ quis domino alieno, contra naturam subicitur." This definition was adopted *verbatim* from the Stoic philosophers. See Heinec. Opera V, p. 20.

Heineccius defines slavery as follows: " Servi sunt personæ ; qui ad dominorum utilitatem operis suis, vel pro certâ mercede alimentisque, vel pro solis alimentis promovendam obstricti sunt." Jus Nat. et Gent. cap. iv, § 77.

The Civil Code of Louisiana defines a slave to be " one who is in the power of a master, to whom he belongs." Arts. 35 and 173.

<sup>2</sup> See Preliminary Sketch, &c.

<sup>3</sup> Among the Romans, the slave was classed as a thing: Res. He was

A preliminary inquiry presents itself, and demands our first consideration, viz.: By what law or authority does this dominion of one man over another exist? by the law of nature, or by municipal law? And a satisfactory reply to this inquiry is absolutely necessary to the true resolution of many of the perplexing questions which arise from that relation. In the laws of Henry I, we find the declaration, “*Servi alii naturâ, alii facto, alii empzione, alii redempcione, alii suâ vel alterius dacione servi.*”<sup>1</sup> The Institutes, on the contrary, declared all slavery to be “*contra naturam*,” and this declaration, which might be true of a system which ignored entirely the existence of the slave as a person, has been almost universally adopted by courts and jurists.<sup>2</sup> Upon the investigation of the truth of this proposition we propose to enter.

That slavery is contrary to the law of nature, has been so confidently and so often asserted, that slaveholders themselves have most generally permitted their own minds to acknowledge its truth unquestioned. Hence, even learned judges in slaveholding States, adopting the language of Lord Mansfield, in *Somerset’s case*, have announced gravely, that slavery being contrary to the law of nature, can exist only by force of positive law.<sup>3</sup> The course of reasoning, by which this conclusion is attained, is very much this: That in a state of nature all men are free. That one man is at birth entitled by nature to no higher rights or privileges than another, nor

“*Homo sed non persona.*” Heinec. Elem. Jur. Lib. I, § 75. He was considered “*pro nullo et mortuo, quia nec statu familiæ nec civitatis nec libertatis gaudet.*” Ibid. § 77. See also Kaufmann’s *Mackeldey*; *State v. Edmund*, 4 Dev. 340; *Neal v. Farmer*, 9 Ga. Rep. 582.

<sup>1</sup> Ancient Laws and Institutes of England; *Leges Henr. I*, ch. lxxvi, § 3.

<sup>2</sup> For the modification or explanation of this expression in the Institutes, see post, § 12.

<sup>3</sup> *Case of the Antelope*, 10 Wheat. 120; *State v. Jones*, Walker’s Miss. Rep. 83.

does nature specify any particular time or circumstances under which the one shall begin to rule and the other to obey. Hence, by the law of nature, no man is the slave of another, and hence all slavery is contrary to the law of nature.

For a proper inquiry into the truth of this proposition, it becomes very important that we should have a definite understanding of what is meant by the *law of nature*. Jurists have declared it to be the only true foundation of all law. International law is defined to be but the law of nature as applied to the conduct and affairs of nations. Philosophers have vied with each other in pronouncing encomiums upon its pure morality and unadulterated justice; and in the prophetic vision of the greatest of Roman orators, it was calculated to bind the world in one great bond of justice, when, in process of time, there should be “non alia lex Romæ, alia Athenis, alia nunc, alia posthac, sed una lex et sempiterna prevalebit.” Hooker, in strains no less sublime, has said, “Of this law, no less can be said than that her seat is the bosom of God, her voice the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her care, the greatest as not exempted from her power; both angels and men, and creatures of what condition soever, though each in different sort and manner, yet all, with uniform consent, admiring her as the mother of their peace and joy.”

Yet we find it very difficult to cull from them all, a clear, concise, tangible definition of what is meant by the *law of nature*. The Roman lawyers and others applied the term to that “law which nature teaches *all living creatures*,” thereby causing it to include all animals, beasts as well as men.<sup>2</sup> To this others have demurred, and insist

<sup>1</sup> Ecclesiastical Polity, conclusion of Book I.

<sup>2</sup> Just. Lib. I, tit. 2. “Jus naturale,” says Ulpian, “est quod natura omnia animalia docuit.” Puff. Bk. II, ch. iii, §§ 2, 3; Ward’s Law of Nat. vol. i, 41. St. Ambrose, upon this principle, declared the copula-

that *law* can be applied only to creatures who have *reason* and *will*, to perceive an obligation and to adapt their acts accordingly.<sup>1</sup> And Potgiesseri very properly observes, that even when applied to men it assumes a double aspect: “*Vel, ut concipiuntur omnes et singuli homines in naturali libertate, nullique imperio subjecti vivere; vel, ut intelliguntur cum aliquibus tantum in societatem civilem coivisse, cum reliquis autem nullo, nisi communi humanitatis vinculo colligari.*”<sup>2</sup>

As great diversity exists when we come to examine the rules deduced from this law. Hobbes found one of its fundamental rules to be, that war was the natural condition of mankind. Montesquieu, on the contrary, declares peace to be the first law of nature.<sup>3</sup> Cicero, as we have seen, supposed its obligations to be sufficient to be a rule of conduct for all nations. Yet Ward, after examining its claims with great attention, is forced to conclude, in the language of another writer, that “To speak of one fixed, immutable, and universal law of nature, is framing an imaginary scheme, without the least foundation in the nature of things, directly contrary to the present order of the whole creation.”<sup>4</sup>

tion of asses and mares, by which mules are produced, forbidden, the same being an unnatural connection. Hexæmeri, Lib. V, c. 3, quoted by Puff.

<sup>1</sup> Puffendorf, Bk. II, ch. iii, § 2; Rutherford's Just. I; Ayliffe's Civil Law, Bk. I, tit. 2.

Thus Hesiod, Op. & Dier. Lib. I:

“This law did Jove for human race ordain;  
The beasts, the fishes, and the feathered train,  
He left to mutual spoil and mutual prey,  
But justice gave to man.”

<sup>2</sup> De Statu Servorum, Proleg. § 3.

<sup>3</sup> Montesquieu, Spirit of Laws, Bk. I, ch. ii.

<sup>4</sup> Ward's Law of Nations, vol. i, ch. ii, p. 119. In the fourteenth century, Bartholus, the most famous civilian of his day, contended gravely, that the Emperor of Germany was the Emperor of the world; and Dante, another civilian, gave as the reason for it, because it was for their good. Ibid. 77.



The expression "law of nature" is sometimes, though unphilosophically, used to express those deductions which may be drawn from a careful examination of the operations of the natural world. Hence, it is said that slavery is contrary to the law of nature, because we find no counterpart or analogous operation in the natural world. To this we may say, in the first place, that by such a definition of the law of nature, cannibalism and every other horrid crime of savage or natural man would be justified. Among lower animals, the destruction of their own species is of frequent occurrence. In the second place, that the fact does not exist as stated, for not only is slavery found to coexist with the human race, but even among the lower animals and insects, servitude, in every respect the counterpart of negro slavery, is found to exist. It is a fact, well known to entomologists, and too well established to admit of contradiction, that the red ant will issue in regular battle array, to conquer and subjugate the black or negro ant, as he is called by entomologists. And, that these negro slaves perform all the labor of the communities into which they are thus brought, with a patience and an aptitude almost incredible. These facts, originally noticed and published by Huber, have subsequently been verified by many observers; and M. Latreille has demonstrated, that the rufescent ants, on account of the forms of their jaws and the accessory parts of their mouth, have not the physical ability either to prepare habitations for their family, to procure food, or to feed them.<sup>1</sup> Upon this definition, therefore, of the law of nature, negro slavery would seem to be perfectly consistent with that law.

With other writers, the law of nature is held to be the

<sup>1</sup> *Considérations nouvelles*, &c., p. 408. For very interesting accounts of the facts here stated, and many others equally as remarkable, see Spence & Kirby's *Entomology*, vol. ii, pp. 68-88; Silliman's *Journal*, vol. xiii, pp. 177, 178; *Natural History of Insects*, vol. viii, Harper's Family Library, pp. 130, et seq.

general conduct of mankind under any given state of circumstances. Thus, the "whole of this interesting question resolves itself, at last, into the history of man. For, in vain do we pursue the matter through all the subtleties of intellect, in vain are the profoundest metaphysics made use of to prove anything concerning the nature of man *a priori*. Of that nature I can obtain no knowledge, except through the same channel by which I become acquainted with the nature of any other animal; nor can I tell what it is that nature demands of man to do, except by inquiring what he has actually done." If this be the test, the answer is easily given to the inquiry as to the consistency of slavery with the law of nature. Its universality through every age of the world, since Noah announced the curse of Canaan, is too well established to require argument.

What then is the law of nature? Grotius, the father of modern natural law, defines it to be "the dictate of reason, by which we discover whether an action be good or evil, by its agreement or disagreement with the rational social nature of man."<sup>2</sup> Blackstone and many other writers define it to be "the will of the Creator."<sup>3</sup> The Roman law made it synonymous with "natural justice and equity, and the rules of abstract propriety;" and a late English writer (Wildman), adopts this as the more simple and tangible definition.<sup>4</sup> Cicero defines this law to be "right reason, implanted in man by nature, commanding those things which ought to be done, and forbidding the contrary."<sup>5</sup> The object of this law

<sup>1</sup> Ward's Law of Nations, vol. i, 67.

<sup>2</sup> In another place, he says, "Bonum et æquum, id est rerum naturæ jus." Lib. II, 18, § 3.

<sup>3</sup> Comm. vol. i, p. 39. The writers on the common law, generally, have adopted this definition. See Kent's Comm. vol. i, pp. 2, 4, and notes; Manning's Comm. Law of Nations, Bk. II, ch. i; see also Heineccius, De Jur. Nat. & Gent. Lib. I, cap. i, § 12.

<sup>4</sup> Wildman's International Law, ch. i, p. 3.

<sup>5</sup> De Legibus, Lib. I.

he declares to be "God, our neighbor, and ourselves."<sup>1</sup> Erskine, the Scotch commentator, adopts the definition of Grotius.<sup>2</sup> Ayliffe, in his *Pandects of the civil law*, approves best that of Cicero.<sup>3</sup> Rutherford says, "Natural laws are those which mankind are obliged to observe from their nature and constitution."<sup>4</sup> Similar is the exposition of Puffendorf, that it is "that most general and universal rule of human actions, to which every man is obliged to conform, as he is a reasonable creature."<sup>5</sup> Vattel says, "The general law of natural society is, that each individual should do for the others everything which their necessities require, and which he can perform without neglecting the duty which he owes to himself."<sup>6</sup> The editor of the English translation of this author (ed. 1797), defines the law of nature to be those "rules which man must follow in order to attain the great end of his being, viz., the most perfect happiness of which he is susceptible."<sup>7</sup> Ward adopts the same idea, when he declares the fundamental principles of this law to be "the desire of happiness, the pursuit of good, and the rejection of evil."<sup>8</sup> The same view is taken by Chancellor d'Aguesseau, when he says, that "for a man to live according to nature, is to follow in all things that course, which conducts most surely to his true end, which is to be as perfect and happy as is consistent with his nature."<sup>9</sup> Similar is the definition of Burlamaqui: "Those rules which nature alone prescribes to man, in order to conduct him safely to the end which every one has, and indeed ought to have, in view,

<sup>1</sup> *Tusc. Quæst. Lib. I, c. 26.*

<sup>2</sup> *Institutes, &c., Bk. I, tit. i, § 7.*

<sup>3</sup> *Book I, tit. 2, § 1.*

<sup>4</sup> *Institutes of Natural Law, Bk. I, ch. i, § 5.*

<sup>5</sup> *Law of Nature and Nations, Bk. II, ch. iii, § 1.*

<sup>6</sup> *Law of Nations, Bel. Bk. p. 9.*

<sup>7</sup> Note to page lviii.

<sup>8</sup> *Law of Nations, vol. i, p. 71.*

<sup>9</sup> *Méditations Métaphysiques, xix; Oeuvres, tom. xiv, p. 460.*

namely, true and solid happiness."<sup>1</sup> Carlyle, speaking in reference to negro slavery, says: "This is the eternal law of nature for a man, that he shall be permitted, encouraged, and *if need be compelled*, to do what work the Maker of him has intended, by the making of him for this world."<sup>2</sup>

These varying definitions might be multiplied to almost any extent.<sup>3</sup> Sufficient have been adduced for our purpose, viz.: first, to show that as a general rule, men have very indefinite ideas, when they speak of the law of nature, and would many times be puzzled to explain their own meaning; second, to deduce from these the most satisfactory idea of this law, for the investigation which we undertake. From what has been said, it is evident that whatever definition we adopt, the nature of man enters as a very important element, and if that nature is subject to any variation, from race, or climate, or history, to that extent the consequences of the law of nature must vary when applied to him.<sup>4</sup> To illustrate. The German student, immersed for years amid the ponderous tomes of some university library, finds nothing in his voluntary imprisonment uncongenial to his nature. But the American Indian submitting to the same

<sup>1</sup> The Principles of Natural Law, Pt. I, ch. i.

<sup>2</sup> Letter on Rights of Negroes. So, again, "If thou do know better than I, which is good and right, I conjure you, in the name of God, force me to do it; were it by never such brass collars, whips, and handcuffs, leave me not to walk over precipices." Past and Present, Bk. III, ch. xiii. So, again, "It is the everlasting privilege of the foolish to be governed by the wise, to be guided in the right path by those who know it better than they. This is the 'first right of man.'" Latter Day Pamphlets, No. 1.

<sup>3</sup> See Burrill's Law Dictionary; Bouvier's Law Dictionary; Webster's Dictionary; Jacob's Law Dictionary; Holthouse's Law Dictionary; Wheaton's Law of Nations, ch. i.

<sup>4</sup> Sir James Mackintosh recognizes this fact, in his Introductory Discourse on the Law of Nature and Nations. Essays, p. 29, 35. So also Cicero, "Natura enim juris explicanda est nobis, eaque ab hominis repetendâ naturâ." De Leg. Lib. I, c. v.

fate, would do violence to the law of his nature, because his pursuit tends nothing to the great end of his existence, the greatest happiness of which he is susceptible. And hence slavery may be utterly inconsistent with the law of nature when applied to one race of men, and yet be perfectly consistent with the nature of others.<sup>1</sup>

Again. We must be careful to distinguish between the state of nature and the law of nature. Many things are contrary to the state of nature, which are not contrary to the law of nature. Marriage, government, all civilization, is adverse to a state of nature, yet it would be hardly asserted, that thereby violence was done to the law of nature. A celebrated Scotch commentator applies this distinction clearly and philosophically to the subject of slavery: "It is indeed contrary to the state of nature, by which all men were equal and free; but it is not repugnant to the law of nature, which does not command men to remain in their native freedom, nor forbid the preserving persons at the expense of their liberty," &c.<sup>2</sup> Heineccius points out clearly the same distinction, for while with all writers on the civil law, he declares the natural freedom of all men, he adds: "*Posset videri servitus juri naturæ repugnare; sed id, meritò negatur; servitus enim, in se nihil aliud est, quam obligatio ad perpetuas operas. Si non injustum est obligari ad annuas operas, quidni et ad perpetuas?*"<sup>3</sup> "It may appear that slavery is repugnant to the law of nature; but that may be properly denied. For slavery in itself is nothing but an obligation for perpetual service. If it be not wrong to be bound to serve for a year, why not also for life?"<sup>4</sup> And again, "*Juri naturæ, hujus modi servitus non repugnant, sed tamen*

<sup>1</sup> Montesquieu, *Spirit of Laws*, Bk. XV, ch. viii.

<sup>2</sup> McDouall's *Institutes*, Bk. I, tit. 2, § 77, p. 66. Burlamaqui seems to favor this distinction, though not pointedly, in his *Principles of Natural Law*, Pt. I, ch. iv, § 11.

<sup>3</sup> *Prælec. Ac. in H. Grot. Lib. II, cap. v, § 27.*

<sup>4</sup> *Heinec. Prælec. Ac. in H. Grot. Lib. II, cap. v, § 27.*

non est juris naturæ ; quæ sæpe auctores confundunt.”<sup>1</sup> “This kind of slavery is not repugnant to the law of nature, but yet is not of natural right, which oftentimes authors confound.” The admission therefore of the proposition that “all men are created free,” or are free in a state of nature, does not carry with it as a consequence that slavery is inconsistent with the law of nature. “Jus naturæ tamen id non impedit.”<sup>2</sup>

So the Roman law defines slavery to be a condition, “quâ quis dominio altero contra naturam, subjicitur.”<sup>3</sup> But the commentators upon that law warn us, “Id non intelligi debere ac si juri naturæ adversetur, sed tantum statui naturali sive primævo, in quo quilibet liber nascitur.”<sup>4</sup> “This is not to be understood as if it was opposed to the law of nature, but only to that natural or primeval condition, in which every one is born free.” So Vinnius: “Hoc est contra communem illam omnium hominum conditionem, quam ab initio habuerunt a naturâ, quanquam justitiæ naturali non repugnat, ex pactione aut delicto servum fieri.”<sup>5</sup> “This is contrary to that common condition of all men, which they had, by nature, from the beginning, although it is not repugnant to natural justice to become a slave, either by contract or by crime.” So Huberi: “Dicitur contra naturam et contra jus naturæ. Hoc est contra statum naturæ primævum ut jus pro facultate accipiatur, non contra dictamen rectæ rationis: vel est contra jus naturæ per-

<sup>1</sup> Ibid. § 32.

<sup>2</sup> Heinec. Prælec. Ac. in H. Grot. Lib. II, cap. v, § 27. So also Potgiesseri, speaking of slavery by captivity, “Tametsi—servitus ex captivitate orta sit contra naturam, id est, libertatem naturalem, non tamen, hoc ipso, contra jus naturæ erit.” De Statu Serv. Prol. § 25. After stating the arguments, pro and con, he comes to the same conclusion as to slaves by birth, §§ 26, 27, 29. And as to slaves by penalty of the law, § 31.

<sup>3</sup> Just. Lib. I, tit. 2, § 2.

<sup>4</sup> Potgiesseri, De Statu Servorum, Proleg. XIII.

<sup>5</sup> Vinnius, Comm. Lib. I, tit. 3, § 2.

mitten non præcipiens.”<sup>1</sup> And again, “*Servitutum cum ratione non pugnare, diximus modò.*”<sup>2</sup> It is said to be contrary to nature and contrary to the law of nature. This is contrary to the original state of nature, that right should be derived from power, but it is not opposed to the dictates of right reason, nor is it contrary to the law of nature, which permits, but does not enjoin it, and we have said above, that servitude does not conflict with reason.

The same distinction was taken by the Fathers of the Church on the subject of slavery. Bishop England, reviewing them at length, says: “Thus, a state of voluntary slavery is not prohibited by the law of nature.” “All our theologians have, from the earliest epoch, sustained, that though in a state of pure nature all men are equal, yet the natural law does not prohibit one man from having dominion over the useful actions of another, as his slave.” The following, quoted by him from St. Thomas of Aquin, makes the point clearly: “This man is a slave, absolutely speaking, rather a son, not by any natural cause, but by reason of the benefits which are produced; for it is more beneficial to this one to be governed by one who has more wisdom, and to the other to be helped by the labor of the former.”<sup>3</sup> Cassagnac, pursuing the same idea, gives us the views of other Fathers to the same effect. Thus, Saint Basil says: “He who, by the weakness of the intellect, has not in him that which nature requires, finds it to his interest to become the slave of another, the experience of his master being to him what the pilot is to the vessel.”<sup>4</sup>

<sup>1</sup> Prælect. Lib. I, tit. 3, § 3.

<sup>2</sup> Ibid. § 6.

<sup>3</sup> Letters of Bishop England to Hon. John Forsyth, pp. 22, 23. He quotes from St. Augustine, St. Ambrose, St. John Chrysostom, Pope Gelasius I, &c. For the opinions of other Christian Fathers on the subject of slavery, see ante, Preliminary Sketch.

<sup>4</sup> Cassagnac, Voyage aux Antilles, tom. ii, p. 413. He quotes also from St. Bernard.

With these preliminary remarks, we adopt as the law of nature, when applied to man in his intercourse with his fellow-man, that obligation which reason and conscience impose, so to shape his course as to attain the greatest happiness, and arrive at the greatest perfection of which his nature is susceptible. Consequently, whatever interferes with the attainment of this happiness and perfection does violence to the law of his nature, and whatever promotes or is consistent therewith is sanctioned by the law of his nature. In this view, *natural rights* depend entirely upon the nature of the possessor, not of the right; for, it is the former and not the latter that determines the question of right. Hence, to speak of the natural right to personal liberty is unphilosophical, until the previous question is settled, that such liberty will conduce to the happiness and perfection of the possessor.

In this view, is Negro Slavery consistent with the Law of Nature? We confine the inquiry to negro slavery, because, upon the principles already established, it is undoubtedly true, that the enslavement by one man or one race, of another man or another race, physically, intellectually, and morally, their equals, is contrary to the law of nature, because it promotes not their happiness, and tends not to their perfection. Much of the confusion upon this subject has arisen from a failure to notice this very palpable distinction. The ancient Greeks were so far the superiors of their contemporaries, that it did no violence to the existing state of things for their philosophers to declare their pre-eminence, and draw thence the conclusions which legitimately followed. Hence, Aristotle declared that some men were slaves by nature, and that slavery was absolutely necessary to a perfect society.<sup>1</sup>

<sup>1</sup> Polit. Lib. I, cap. i. Hence Euripides, Iphig. :

“ ’Tis fit barbarians own the Grecian sway,  
And not that Greece should serve a barbarous lord.  
Wise nature made the law; ’twas nature formed  
Them to obey, and us to be obeyed.”



On the contrary, the slaves of Europe during the middle ages, and of Britain prior to the Norman invasion, were many of the same race with their masters, their equals in intelligence and in strength, and nothing but the accidents of their birth distinguished them apart. It is not strange, therefore, that their philosophers and jurists should see in such slavery palpable violations of the law of nature, and should have proclaimed that nature made them all free and equal.<sup>1</sup> Montesquieu perceived this distinction and the different conclusions to which these different states of fact gave rise, and hence, whilst he says all slavery must be accounted unnatural, yet he admits, that "in some countries it is founded on natural reason," viz., "countries where the excess of heat enervates the body, and renders men so slothful and dispirited, that nothing but the fear of chastisement can oblige them to perform any laborious duty."<sup>2</sup> Hence, he says, that "natural slavery must be limited to some particular parts of the world."<sup>3</sup> So Puffendorf says: "It is most evident that some men are endued with such a happiness of wit and parts, as enables them not only to provide for themselves and their own affairs, but to direct and govern others. And that some again are so extremely stupid and heavy, as to be unfit to govern themselves, so that they either do mischief or do nothing, unless others guide and compel them. And farther, that these last being commonly furnished by nature with strong and hardy bodies, are capable of bringing many notable advantages to others by their labor and

It is a curious fact, that Sir Thomas More, one of England's purest and wisest judges, in his celebrated creation of fancy, Utopia, provided each of his families, in this imaginary perfect world, with *two slaves* to perform the menial offices, thereby confirming Aristotle's opinion of the necessity of slavery to a perfect society.

<sup>1</sup> Puffendorf, Bk. III, ch. ii; Montesquieu, *Esprit des Lois*, Liv. XV, ch. viii.

<sup>2</sup> *Spirit of Laws*, Bk. XV, ch. vii.

<sup>3</sup> *Ibid.* ch. viii.

service. Now, when these have the fortune to live in subjection to a wise director, they are without doubt fixed in such a state of life as is most agreeable to their genius and capacity.”<sup>1</sup>

So Heineccius: “*Ipsa quorundam natura ad servitutem aptissima et tota comparata est, ita ut nec actiones suas dirigere nec victum et amictum sibi lucrari possint.*”<sup>2</sup> “The nature itself of some is so fitted and prepared for servitude, that they can neither direct their own actions nor furnish food and clothing for themselves.” Potgiesseri advances the same opinion: “*Ita enim societas humana comparata est, ut alii licet se pacto, ad operas adhibendas obstrinxerint, eas tamen, segniter et perfidiose perficiant, adeo, ut eos castigationibus ad officium sui cogi necessum sit; alii vero, a præstatione mutuae opis sint alienissimi, et libertatem effrenam præferant honestæ et tolerabili addictioni, atque malint, ex rapto et latrociniis vivere, et in furcam agi quam licitis mediis inopiæ suæ consulere.*”<sup>3</sup> “For human society is so constituted, that it is lawful for some to bind themselves by contract to the performance of duty, so that it may be necessary to compel them to its performance by stripes.” So another learned writer, in speaking of the slavery among the Turks, says, “*Non omnium ingenia inopem ferunt libertatem, nec omnes ita nati sunt, ut se regere et suo arbitrio recte uti sciant.*” “The natural temperament of all will not suffer helpless liberty, nor are all so born that they know how to govern

<sup>1</sup> Law of Nature and Nations, Bk. III, ch. ii, § 8; see also Bk. VI, ch. iii, § 2. He quotes from Apuleius as follows: “It is most agreeable that a man who is neither by nature or industry prepared for a right way of living, should not govern, but be governed; should be a servant, not a master; should, upon account of his own weakness and incapacity, be under the control of others; should sustain the part of obeying, not of commanding.” Carlyle adopts the same reasoning, *Latter Day Pamphlets*, No. 1. Potgiesseri advances the same opinion.

<sup>2</sup> *Praelec. Ac. ad H. Grop. Lib. II, cap. v, § 27.*

<sup>3</sup> *De Statu Servorum, Proleg. § 32.*

themselves, and rightly to use their own power." He says, "*Ceteroquin qui apud nos mendicant, apud eos (the Turks) serviunt.*" "Otherwise, those who beg with us, serve among them." And concludes, "*At nescio, an optime rebus nostris consuluit qui servitutem primus sustulit.*" "And, I doubt whether he consulted best our interests, who first abolished slavery."<sup>1</sup> So Hertius, quoting Aristides: "*Legem esse naturæ a potentioribus plane clariorem factam, ut majoribus, minora pareant.*" "That this is the law of nature, clearly is made to appear by the most eminent, that the less should obey the greater." And also Halicarnassus: "*Naturæ legem esse omnibus insitam, quam nullum tempus dissolvat, deterioribus semper imperare meliores.*" That this law of nature is engrafted upon all, which no time destroys; that the noble always govern the ignoble. Also Plutarch: "*Naturæ legem semper velle potiore imperare deterioribus.*" "That the law of nature always prefers that the nobler should govern the ignoble." Hertius adds: "*Quanquam, ut dixi, hoc non sit proprie, stricteque dicendum jus naturale, quoniam jus exigendi nullum tribuit.*" "Though, as I have said, this cannot be properly and strictly called a natural right, since it gives no right of exaction."<sup>2</sup>

Resuming then the inquiry as to the consistency of negro slavery with the law of nature, the first question which demands our attention, and necessarily is preliminary to all other investigation, is, what is the nature of the negro? Were this question asked of a mere animal, our inquiry would be confined to his physical nature alone, and could we show that, like the horse and the cow, the domestication and subjection to service did not impair, but on the contrary improved his physical condition, the conclusion would be inevitable, that such subjection was consistent with his natural development,

<sup>1</sup> Busheq. In Epistol. Turcie, Epist. III.

<sup>2</sup> De Coll. Leg. I, § 3.

and therefore not contrary to his nature. But we recognize in the negro a man, endowed with reason, will, and accountability, and in order to justify his subjection we must inquire of his intellectual and moral nature, and must be satisfied that its development is thereby promoted. If this be true, if the physical, intellectual, and moral development of the African race are promoted by a state of slavery, and their happiness secured to a greater extent than if left at liberty, then their enslavement is consistent with the law of nature, and violative of none of its provisions. Is the negro's own happiness thereby best promoted? Is he therein most useful to his fellow-man? Is he thereby more surely led to the discharge of his duty to God? These, as we have seen, are the great objects of the law of nature, "God, our neighbor, and ourselves."

In this investigation, we should understand distinctly the meaning to be attached to "Negro." The black color alone does not constitute the negro, nor does the fact of a residence and origin in Africa. Agassiz very properly remarks, that "in Africa, we have the Hottentot and Negro races in the south and central portions respectively, while the people of Northern Africa are allied to their neighbors in Europe, just as we have seen to be the case with the zoological fauna in general."<sup>1</sup> The language and history of the nations of Northern Africa show them to have a different and Asiatic origin. The people we are inquiring of are thus described by Cuvier: "The negro race is marked by a black complexion, crisped or woolly hair, compressed cranium, and a flat nose. The projection of the lower parts of the face and the thick lips evidently approximate it to the monkey tribe. The hordes of which it consists have always remained in the most complete state of utter barbarism."<sup>2</sup> And even of this very extensive negro race,

<sup>1</sup> Principles of Zoology, by Agassiz and Gould, 180; see also Martin's Natural History of Man and Monkeys, p. 279.

<sup>2</sup> Animal Kingdom, McMurtrie's translation of Bimana, p. 50.

there are a great number of tribes, differing not so much in their physical as moral nature, and adapting them more or less for a state of servitude. This difference was well known among the native tribes long before the Dutch, Portuguese, and English vied with each other in extending the slave-trade; and the Mandingo slave-dealer had determined this question long before a mart was opened for him by European enterprise.<sup>1</sup> Our inquiry, therefore, is properly confined to those tribes of negroes who were in a state of servitude in their native land, viz.: the Fantis, Ashantis, Krumen, Quaquas, Congos, Ibos or Eboes, Whydah or Fidohs, Coromantines, Mandingoes, &c., and their descendants in America.

*First* then is the inquiry as to the physical adaptation of the negro to a state of servitude. His black color peculiarly fits him for the endurance of the heat of long-continued summers.<sup>2</sup> The arched leg and receding heel seem to indicate a natural preparation for strength and endurance.<sup>3</sup> The absence of nervous irritability gives to him a complete exemption from those inflammatory diseases so destructive in hot and damp atmospheres, and hence the remarkable fact, that the ravages of that scourge of the tropics, the yellow fever, never reach the negro race.<sup>4</sup> In other portions of the body, especially

<sup>1</sup> See an interesting paper on this subject, by R. G. Latham, and read in a course of Lectures, before the Royal Institution, Manchester, in "Ethnology of the British Colonies," pp. 33 to 75. The planters in America soon discovered this difference, and hence a Caffre or Cafir negro was never a favorite in their markets. See upon this subject, also, Martin's Nat. Hist. of Man and Monkeys, 220, 280, 299. Cassagnac's Voyage aux Antilles, vol. ii, p. 129; Levavasseur, Esclavage de la race noire, 77, n.

<sup>2</sup> Copland's Dict. of Pract. Medicine, Article "Climate," A Tribute for the Negro, p. 70; Chambers's Information for the People, Art. "Physical History of Man."

<sup>3</sup> Cassagnac, Voyage aux Antilles, tom. i, p. 130.

<sup>4</sup> Types of Mankind, by Nott & Gliddon, 68; Dr. Mosely's Treatise on Tropical Diseases. He says: "What would be the cause of insupport-

the formation of the pelvis, naturalists have discovered a well-defined deterioration in the negro, which a late learned observer, Vrolik, of Amsterdam, has declared, shows "a degradation in type, and an approach towards the lower form of animals."<sup>1</sup> So the arched dome of the head and the perpendicularity of the vertebral column are said, by an observant writer, to be characteristic, and to fit the negro peculiarly for the bearing of burdens upon the head.<sup>2</sup>

able pain to a white man, a negro would almost disregard. I have amputated the legs of many negroes, who have held the upper part of the limbs themselves." See also, on the peculiar diseases of negroes, Guenebault's *Nat. Hist. of Negro Race*, 76; White's *Regular Gradation in Man*, 73-79; see also *Indigenous Races of Man*, p. 380, et seq. No case of yellow fever has ever occurred in Liberia.

<sup>1</sup> I am indebted for this fact to Prichard's *Nat. Hist. of Man*, p. 123.

<sup>2</sup> Smith's *Nat. History of Human Race*, 191. Professor Soemmering enumerates forty-six distinct differences in the anatomy of the Negro from the European race. *Ueber die koerperliche Verschiedenheit des Negers, v. d. Europ.*, 1785, referred to in Guenebault's *Natural History of the Negro Race*, p. 57.

Lawrence (p. 246), describing the negro variety, says, "1. Narrow and depressed forehead, the entire cranium contracted anteriorly; the cavity less, both in its circumference and transverse measurements. 2. Occipital foramen and condyles placed further back. 3. Large space for the temporal muscles. 4. Great development of the face. 5. Prominence of the jaws altogether, and particularly of their alveolar margins and teeth; consequent obliquity of the facial line. 6. Superior incisors slanting. 7. Chin receding. 8. Very large and strong zygomatic arch, projecting towards the front. 9. Large nasal cavity. 10. Small and flattened ossa nasi; sometimes consolidated and running into a point above. In all the particulars just enumerated, the negro structure unequivocally approximates to that of the monkey. It not only differs from the Caucasian model, but is distinguished from it in two respects: the intellectual characters are reduced; the animal features enlarged and exaggerated. . . . This inferiority of organization is attended with corresponding inferiority of faculties, which may be proved, not so much by the unfortunate beings who are degraded by slavery, as by every fact in the past history and present condition of Africa."

Nott & Gliddon say, "A man must be blind not to be struck by similitudes between some of the lower races of mankind, viewed as connect-

As a connecting link between the physical and mental capacity of the negro, we may consider the osteological formation of his head, and comparative size of the brain. The opinion of Cuvier we have already noticed. Good, in describing the negro, says: "The head is narrow; the face narrow, projecting to the lower part. The countenance, in this variety, recedes farther than in any other from the European, and approaches much nearer than in any other that of the monkey."<sup>1</sup> Camper, Soemmering, Lawrence, Virey, Ebel, and Blumenbach, agree that the brain is smaller; and Gall, Spurzheim, and Combe, that it is so distributed as to denote less capacity

ing links in the animal kingdom, nor can it be rationally affirmed that the ourang-outang and chimpanzee are more widely separated from certain African and Oceanic negroes, than are the latter from the Teutonic or Pelasgic types." *Types of Mankind*, 457.

Dr. Wyman, of Harvard University, after pointing out clearly the difference between the negro and ourang-outang, adds: "Yet it cannot be denied, however wide the separation, that the negro and ourang-outang do afford the points where man and the brute—when the totality of their organization is considered—most nearly approach each other."<sup>2</sup>

Charles White, a naturalist of Manchester, as early as 1795, published a work, in which he pointed out twenty-eight distinct points of difference between the African and European, and in all of which the latter approached the brute creation.<sup>b</sup>

I am indebted to the *Indigenous Races of Man*, and the Article by F. Pulszky, for the following anecdote, taken from Petronius, who wrote in the days of Nero, going to show that the distinctive features of the negro were well known in his day: Three vagrants having taken passage on a vessel, discovered that the merchant owner was a person formerly robbed by them. One proposes to black their faces with ink, and pass as Ethiopians; but the other exclaims, in reply, "As if color alone could transform our shape! for many things have to conspire that the lie might be maintained, under any circumstances; or can we fill our lips with an ugly swelling? can we crisp our hair with an iron? and mark our forehead with scars? and distend our shanks into a curve? and draw our heels down to the earth?" p. 191.

<sup>1</sup> Book of Nature, p. 214.

<sup>a</sup> *Troglodytes Gorillæ*, Boston Jour. of Nat. Hist. 1847, p. 27. Quoted by Dr. Nott, p. 457.

<sup>b</sup> *An Account of the Regular Gradation in Man* (London), 83.

for reasoning and judging.<sup>1</sup> On the contrary, Prof. Tiedemann, in a paper giving the result of his investigations and experiments on a large number of skulls, concludes that in mere bulk the brain of the negro is very nearly equal to that of the European.<sup>2</sup> Dr. Morton's experiments and observations seem to have led him to the conclusion that the brain of the negro was somewhat smaller.<sup>3</sup> Without seeking to hold the balance between these authorities, we may remark, that it is too well settled now to be a matter of doubt, that the size of the brain is not the only criterion for deciding upon the mental capacity of the possessor; and philosophers least disposed to profess faith in phrenology as a science, are forced to admit that the arrangement and location of the brain, by some mysterious law, are, as a general rule, indicative of the mental power.<sup>4</sup> The application of Camper's facial line and facial angle demonstrated the inferiority of the negro in this particular, and Prof. Tiedemann does not seek to deny the correctness of the result thus tested.<sup>5</sup>

*Second.* The mental inferiority of the negro has been often asserted and never successfully denied. An inviting field for digression is offered here, in the much-mooted question of the unity of the human race. It is unnecessary for our purposes to enter these lists. The

<sup>1</sup> Martin's Nat. Hist. of Man and Monkeys, 301; Bachman on the Unity of the Race, 224; Guenebault's Nat. Hist. of Negro Race, 33; Types of Mankind, 403.

<sup>2</sup> Philosophical Transactions of the Royal Society in 1836, p. 479.

<sup>3</sup> Germanic nations, 92 cubic inches; negroes, 83; Types of Mankind, p. 454; see Tables prepared by Dr. Meigs, in Indigenous Races of Man, p. 257; Bachman on Unity of Race, p. 227.

<sup>4</sup> Consult, directly on this point, Combe's Review of Morton's Crania Americana; Amer. Journal of Science and Art, vol. xxxviii, No. 2.

<sup>5</sup> Phil. Trans. of Royal Soc. 1836; see also Prichard's Nat. Hist. of Man, 111, 112; and the Natural History of the Human Species, by Lieut. Charles H. Smith, p. 190; Martin's Nat. Hist. of Man and Monkeys, p. 296.



law deals with men and things as they are, and whether the negro was originally a different species, or is a degeneration of the same, is a matter indifferent in the inquiry as to his proper status in his present condition. We deal with him as we find him, and according to the measure of his capacity, it is our duty to cultivate and improve him, leaving to time to solve the problem, whether he is capable of restoration to that pristine equality, from which his admirers maintain that he has fallen.<sup>1</sup>

Mentally inferior now certainly he is. Says Lawrence: "The mind of the negro is inferior to that of the European, and his organization also is less perfect."<sup>2</sup> And this he proves, "not so much by the unfortunate beings who are degraded by slavery, as by every fact in the past history and present condition of Africa."<sup>3</sup> Says Charles Hamilton Smith—whose opportunities for observing and judging, for ten years, on the coast of Africa and in the West Indies (1797 to 1807), were unsurpassed, and whose sympathies he confesses are with the negro,—“The typical woolly-haired races have never invented a reasoned theological system, discovered an alphabet, framed a grammatical language, nor made the least step in science or art.”<sup>4</sup> They have never compre-

<sup>1</sup> The following curious fable is translated from the Arabic, by Rosenmüller: "Niger in die quodam exuit vestas suas, incipit que capere nivem et fricare cum eâ corpus suum. Dictum autem ei fuit: quare fricas corpus tuum nive? Et dixit ille, fortasse albescam. Venitque vir quidam sapiens qui dixit ei: O tu, ne afflige te ipsum: fieri enim potest ut corpus tuum nigram faciat nivem, ipsum autem non amittet nigredinem." Loemanni, *Fabula XXIII*.

As to the probability of time effecting a radical change, see *Types of Mankind*, p. 260, et seq.

<sup>2</sup> Lectures on Slavery, p. 74.

<sup>3</sup> Page 246.

<sup>4</sup> F. Pulszky, in his *Iconographic Researches*, furnished Messrs. Nott & Gliddon, for their late work on the *Indigenous Races of Man*, speaking of the black race, says, "Long as history has made mention of negroes, they have never had any art of their own. Their features are recorded by their ancient enemies, not by themselves." p. 188.

hended what they have learned, or retained a civilization taught them by contact with more refined nations, as soon as that contact had ceased. They have at no time formed great political states, nor commenced a self-evolving civilization; conquest with them has been confined to kindred tribes, and produced only slaughter. Even Christianity, of more than three centuries duration in Congo, has scarcely excited a progressive civilization.” Says Knox: “The grand qualities which distinguish man from the animal; the generalizing powers of pure reason; the love of perfectibility; the desire to know the unknown; and last and greatest, the ability to observe new phenomena and new relations,—these mental faculties are deficient or seem to be so in all dark races. But if it be so, how can they become civilized? What hopes for their progress?”<sup>2</sup> These questions are answered by a most observant and intelligent French traveller in the West Indies: “The friends of useful and moral liberty should strive to maintain the supremacy of the white race, until the black race understands, loves, and practises the duties and obligations of civilized life.”<sup>3</sup>

Carlyle places this question in an eccentric but plain view, addressing himself to the emancipated negroes of the West Indies: “You are not slaves now! nor do I wish, if it can be avoided, to see you slaves again; but

Hume, in his *Essay on National Characters*, after arguing for the superiority of the whites over all other races, and attributing to them all civilization, says, “There are negro slaves dispersed all over Europe, of which none ever discovered any symptoms of ingenuity.”

<sup>1</sup> *The Natural History of the Human Species, its Typical Forms, &c.* (Edinburgh), p. 196. “In no part of this extended region (Negro Africa) is there an alphabet, a hieroglyphic, or even a picture, or symbol of any description.” Murray’s *Encyclopædia of Geography*, vol. iii, p. 38; see also Chambers’s *Information for the People*, Art. *Physical History of Man*.

<sup>2</sup> *Lectures on the Races of Men*, 190.

<sup>3</sup> Cassagnac, *Voyage aux Antilles*, tom. ii, p. 291.

decidedly you will have to be servants to those who are born wiser than you, that are born lords of you; servants to the whites if they are (as what mortal man can doubt they are?) born wiser than you. That, you may depend on it, my obscure black friends, is and was always the law of the world for you and for all men to be servants, the more foolish of us to the more wise. . . . Heaven's laws are not repealable by earth, however earth may try?"<sup>1</sup>

The intelligent, unprejudiced writers of the non-slaveholding States of America, are constrained to admit the inferiority of the negro mind. Paulding, speaking of amalgamation, says: "It is a scheme for lowering the standard of our nature, by approximating the highest grade of human beings to the lowest."<sup>2</sup> And, "We have a right to conclude, from all history and experience, that there is an equal disparity of mental organization." "The experience of years stands arrayed against the principle of equality between the white man and the black." "All that the black man has ever done is to approach to the lowest scale of intellectual eminence, and the world has demonstrated its settled opinion of his inferiority by pronouncing even this a wonder."<sup>3</sup> Dr. Morton, impartial and scientific as he is acknowledged to be, says: "It makes little difference whether the mental inferiority of the negro, the Samoyede, or the Indian, is natural or acquired; for if they ever possessed equal intelligence with the Caucasian, they have lost it, and if they never had it, they had nothing to lose. One party would arraign Providence for creating them originally different, another for placing them in circumstances by which they inevitably became so. Let us search out the truth, and reconcile it afterwards."<sup>4</sup>

<sup>1</sup> Letter on Rights of Negroes; inserted, at length, in *Negromania*, 502, et seq.      <sup>2</sup> Paulding on Slavery in the United States, 61.

<sup>3</sup> Pages 66 and 67.

<sup>4</sup> Letter to Mr. Gliddon, quoted in *Types of Mankind*, p. lii, of *Memoir*.

Judge Conrad says: "The negro in the North has equal, if not superior, advantages to the mass of poor white men. . . . It cannot, however, be boasted that his intellectual character has been materially elevated, or his moral nature greatly improved."<sup>1</sup> George H. Calvert says: "At one end of the human scale is the black man, at the other the white; between them the brown and the yellow. The white man never comes into contact and conflict with the others, that he does not conquer them."<sup>2</sup> We might add the names of Browne, the triumphant opponent of Prichard, on the subject of the hair of the negro, English,<sup>3</sup> Van Ambridge,<sup>4</sup> and others.

Puynode, a French philanthropist, says: "We no longer consider negroes as devoted to the hatred of God, but we hold them generally, almost universally, as our inferiors by their own nature."<sup>5</sup> Levavasseur, another, says: "In times past, as now, it seems that the negro race, left to themselves, cannot arrive at civilization."<sup>6</sup>

In this opinion of the mental inferiority of the negro, every distinguished naturalist agrees. We have already seen that most of them agree as to their physical inferiority in the size of the brain. To those already named, we might add White, Bory St. Vincent, Long, and last, in order of time, Count A. de Gobineau, whose much-praised "*Essai sur l'Inégalité des races humaines*," I regret I have not been able to examine. Prichard, it is true, in maintaining the unity of the race, sees fit to become, very unnecessarily, the defender and apologist of the negro; yet even he is forced to admit that, "by the animality or degradation of the forms of the pelvis, peculiar to the negress and the Bushman or Hottentot, is implied an approach towards the forms of these latter

<sup>1</sup> Plea for the South, 230.

<sup>2</sup> Scenes and Thoughts in Europe, 2d Series, p. 72.

<sup>3</sup> See Types of Mankind, 50; Negromania, 430.

<sup>4</sup> On Nat. Hist. of Man (Negromania, 369).

<sup>5</sup> De l'Esclavage et des Colonies, 12.

<sup>6</sup> L'Esclavage de la race noire, 77, 80, 84.

species" (the chimpanzee and ourang-outang).<sup>1</sup> The great Humboldt, in his late "Cosmos," while declining virtually to enter the lists on the question of monogeny, without discussing the question, "repels the assumption of superior and inferior races of men."<sup>2</sup> Even so great an authority must yield to stubborn facts.

Even the champions of the negro's freedom, who have distinguished themselves by their zeal, both in England and America, are forced to admit the apparent inferiority, and to ascribe the same to the degradation of slavery and other causes, which, in their opinion, if removed, would enable the negro to assert and prove his equality. Says Buxton: "I beg to call attention to certain indications, faint no doubt, but, considering the difficulties and impediments to improvement in Africa, encouraging indications of a capability for better things."<sup>3</sup> Says Armistead, in a late elaborate "Tribute for the Negro:" "The present apparent inferiority of the negro race is undoubtedly attributable, in a great measure, to the existence of the slave-traffic in Africa."<sup>4</sup> Wilberforce admitted the same fact, and referred it to the same cause.<sup>5</sup>

The American philanthropists have been equally constrained to acknowledge the apparent inferiority, and equally industrious in accounting therefor.<sup>6</sup> "The Cau-

<sup>1</sup> Nat. Hist. of Man, 125.

<sup>2</sup> Vol. i, p. 358 (Harper's edition). As to the correctness of this translation, see *Indigenous Races of Man*, 405, et seq.

<sup>3</sup> *The Slave-Trade and Remedy*, by T. F. Buxton, p. 459.

<sup>4</sup> *A Tribute for the Negro*, by Wilson Armistead, Manchester, 1848, p. 19.

<sup>5</sup> *Appeal in Behalf of the Negro Slaves of the West Indies*.

<sup>6</sup> Channing on Slavery, ii, 66; Bacon on Slavery, p. 171; Miss Beecher on the Slave Question, 143; Godwin's Lectures on Slavery, 153-156; Freeman's Plea for Africa, 18; Andrews on Slavery and the Slave-Trade, in the United States, 21; Mrs. Childs's Appeal, 155. She says, p. 189, "The opinion that negroes are naturally inferior in intellect, is almost universal among white men." See also *Second Annual Rep. of New England Anti-Slavery Society*, pp. 18, 19, 22, 23; and *Fourth Annual Rep. of Mass. Anti-Slavery Society*, p. 28.

casian," says Theodore Parker, "differs from all other races. He is humane, he is civilized, he progresses. He conquers with his head as well as with his hand. It is intellect, after all, that conquers, not the strength of a man's arm. The Caucasian has often been the master of other races, never their slave. Republics are Caucasian. All the great sciences are of Caucasian origin. All inventions are Caucasian. Literature and romance come of the same stock."<sup>1</sup> It will be noticed, that among these names, cited and quoted, no slaveholder appears, not even that of Mr. Jefferson, who is so often quoted as authority against the slaveholder.<sup>2</sup> We might add the names of many men whose intellects were too bright to be dimmed by interest, and whose hearts were too pure to be closed to the claims of humanity. We refer to Dew, Harper, Campbell, Calhoun, Simms, Hammond, Fletcher, Priest, and others.

Our conclusion from this investigation must be, that the negro race is inferior mentally to the Caucasian. Whether or not this inferiority is the result of centuries of barbarism, or of the degrading effects of a state of slavery, we will presently briefly inquire. Certain it is that the negro, as we now find him, whether in a state of bondage or in his native wilds, exhibits such a weakness of intellect that, in the words of Puffendorf, "when he has the fortune to live in subjection to a wise director, he is, without doubt, fixed in such a state of life as is most agreeable to his genius and capacity."<sup>3</sup>

The prominent defect in the mental organization of the negro is a want of judgment. He forms no definite idea of effects from causes. He cannot comprehend, so as to execute the simplest orders, unless they refresh his

<sup>1</sup> Quoted by Nott, *Types of Mankind*, 462.

<sup>2</sup> See his *Notes on Virginia*, where he says, "Never yet could I find that a black had uttered a thought above the level of plain narration; never saw even an elementary trait of painting or sculpture."

<sup>3</sup> *Law of Nature and Nations*, Bk. III, ch. ii, § 8.

memory as to some previous knowledge.<sup>1</sup> He is imitative, sometimes eminently so, but his mind is never inventive or suggestive.<sup>2</sup> Improvement never enters into his imagination. A trodden path, he will travel for years without the idea ever suggesting itself to his brain, that a nearer and better way is present before him ; what he has seen another do, he can do also, and practice will make him perfect in its execution, but the discovery of a better, easier, or cheaper process never engages his thoughts. Faustin I, can imitate with ludicrous nicety all the pageantry of the Grand Emperor, but when his model ceases, his genius has executed its utmost.<sup>3</sup> This mental defect, connected with the indolence and want of foresight of the negro, is the secret of his degradation. The imitative faculty makes the negro a good musician, yet he never originates a single 'air, nor invents a musical instrument.<sup>4</sup> This faculty, combined with memory, sometimes might distinguish him in the acquisition of language, yet he never would originate an alphabet or distinguish the parts of speech.<sup>5</sup> The earlier training of the child at school exercises largely and depends much upon memory and imitation. Hence negro children

<sup>1</sup> Ca. da Mosto, the earliest of modern European travellers in Africa (1454), says, "Although very ignorant and awkward in going about anything which they have not been accustomed to, yet in their own business which they are acquainted with, they are as expert as any European can be." Astley's Voyages, vol. i, p. 582.

<sup>2</sup> The following is from the Report of one of the visitors to the schools, including white and negro children: "I have uniformly found the blacks inferior to the whites, in every branch of education requiring mental effort. In writing and painting they bear a tolerable comparison ; but in reading, grammar, geography, and more particularly arithmetic, requiring the greatest mental effort, they are vastly below the level of a comparison." Extracted from Paulding, on Slavery in the United States, 279, 280.

<sup>3</sup> Travellers informs us that everything in Liberia is a mere transcript of American ideas. See Bowen's Central Africa.

<sup>4</sup> Nat. Hist. of Human Species, &c., by Lieut.-Col. Smith (London, 1848), p. 190.

<sup>5</sup> Types of Mankind, 456.

would learn with equal facility with the white, during the first essays in the school-room, but so soon as education reaches the point where reason and judgment and reflection are brought into action, the Caucasian leaves the negro groping hopelessly in the rear.<sup>1</sup>

Our next inquiry is as to the moral character of the negro race, and how far that character adapts them for a state of slavery. The degraded situation of the barbarous tribes of Africa is well attested by every observer. So debased is their condition generally, that their humanity has been even doubted. It is not of the negro in this state of barbarism alone, that we should inquire. The development of his moral character, when in contact with civilization, and under the fostering care of religious instruction, is also to be considered. Viewing him then in both these relations, we find, first, that the negro race are habitually indolent and indisposed to exertion, whether seen in their native country, according to the concurrent testimony of all travellers,<sup>2</sup> or in the condition of slavery in America, or as free negroes after emancipation.<sup>3</sup> With reference to the first fact, we are told that the hot climate and the free productions of the earth, on the one hand enervate, and on the other take away all stimulus for exertion. With reference to the second, that it is the degrading effect of slavery, leaving

<sup>1</sup> Nat. Hist. of Human Species, by Lieut.-Col. Smith, 191; Lyell's Second Visit to United States, vol. i, p. 105. Mrs. Stowe admits this fact, but seeks to account for it on different principles. Key to Uncle Tom's Cabin, Pt. I, ch. xii.

<sup>2</sup> I am aware that some expressions may be found in the works of travellers, varying from the general current. These may serve well the purposes of fanatics; but to the mind of those accustomed to decide upon testimony, they make no impression.

<sup>3</sup> "The blacks living in London are generally profligate. . . . Being friendless and despised, on account of their complexion, and too many of them being really incapable of any useful occupation, they sink into abject poverty." Walstron's Essay on Colonization. As to the free blacks of the North, see Paulding, on Slavery in United States, p. 66. As to the Liberians, see Preliminary Sketch, ch. xvii.



no hope to the slave. With reference to the third, that it is the prejudice of color that depresses the spirits of the free negro of America. We will not stop to inquire as to the truth of these apologies. One thing is certain, that the ingenuity of the philanthropist is severely taxed in behalf of the negro race, for wherever found they exhibit the same characteristics, and the reasons are obliged to be varied to suit the varying circumstances. Perhaps it is but right to remark, that this enervating effect of climate has never proved so powerful upon the white race, physically less prepared to withstand it; that slavery did not to this extent destroy the spirit of the Israelites in Egypt, nor of the villains in England, nor of the *homines proprii* of Germany.<sup>1</sup> And that in Hayti, in Jamaica, in Brazil, and New Granada, no such prejudice of color exists, and yet notwithstanding the variant testimony of prejudiced observers, there can be no question that neither the enjoyment of liberty nor the ingenuity of British statesmanship, has been sufficient to infuse energy and activity, where the Maker stamped indolence and sloth.<sup>2</sup>

In connection with this indolent disposition may be mentioned the want of thrift and foresight in the negro race. When enslaved, there is no great necessity for the development of this faculty, and this may account for its absence, but unfortunately for the friends of negro equality, it displays itself more palpably in the free negro than in the slave.<sup>3</sup> We speak of course of the general character, admitting the existence of indi-

<sup>1</sup> See remarks, on this point, of J. K. Paulding, in his *Treatise on Slavery in the United States*, p. 69, et seq.

<sup>2</sup> See Wallon, *de l'Esclavage dans les Colonies*, 81. For a faithful representation of the effects of liberty upon the Haytians, and the inhabitants of French Guiana, see Levavasseur's *Esclavage de la race noire*, p. 22, et seq.; Schœlcher's *Colonies Etrangères*, vol. ii, "Haiti."

<sup>3</sup> See Walstron's *Essay on Colonization*, as above; Paulding, on *Slavery in the United States*, 59.

vidual exceptions. In their native wilds, with a most productive soil, they have recourse to the "most revolting food, as frogs, lizards, serpents, spiders, the larvæ of insects, &c. &c."<sup>1</sup> In the free West India Islands, the same indolence appears, and is excused on account of climate, &c. And, even in the cold climate of the Northern States, where the apology fails to apply, the result of the labored efforts of philanthropists, aided by the sympathies of the whole community, is "idleness, insolence, and profligacy."<sup>2</sup>

The negro is not malicious. His disposition is to forgive injuries, and to forget the past.<sup>3</sup> His gratitude is sometimes enduring, and his fidelity often remarkable. His passions and affections are seldom very strong, and are never very lasting. The dance will allay his most poignant grief,<sup>4</sup> and a few days blot out the memory of his most bitter bereavement. His natural affection is not strong, and consequently he is cruel to his own offspring, and suffers little by separation from them.<sup>5</sup> He is superstitious and reverential, and consequently is very susceptible of religious impressions, exhibiting, in many individual instances, a degree of faith unsurpassed, and a Christian deportment free from blemish. He is passive and obedient, and consequently easily governed.<sup>6</sup>

The negro is naturally mendacious, and as a concomitant, thievish.<sup>7</sup> His apologists have referred these traits

<sup>1</sup> Lawrence's Lectures on Slavery, 324.

<sup>2</sup> Paulding, on Slavery in the United States, 66, et seq.

<sup>3</sup> Channing, on Slavery; Chandler's Brief Notices of Hayti.

<sup>4</sup> It is a curious fact, that upon one of the monuments of Egypt, a company of negro slaves are represented in a dance, 1300 years before Christ.

<sup>5</sup> Lawrence, Lectures on Slavery, 325; Cassagnac's Voyage aux Antilles, vol. i, pp. 167, 169, 235.

<sup>6</sup> See A Tribute for the Negro, 163; Nat. Hist. of Human Species, Lieut.-Col. Smith, 196.

<sup>7</sup> Ca. da Mosto says, "They are liars and cheats;" Astley's Voyages, vol. i, p. 582.

to his bondage, and have instanced the Israelites borrowing the Egyptian gold, and the cases of Europeans enslaved by the barbarians in Africa, to show that such is the effect of slavery. Unfortunately, however, the prisons and court records of the non-slaveholding States show that enfranchisement has not taught the negro race honesty, nor caused them to cease from petty pilfering.<sup>1</sup> And the census of Liberia shows the same disposition, as exhibited by their criminal court calendar.<sup>2</sup>

Another striking trait of negro character is lasciviousness. Lust is his strongest passion; and hence, rape is an offence of too frequent occurrence. Fidelity to the marriage relation they do not understand and do not expect, neither in their native country nor in a state of bondage.<sup>3</sup> The latter, to some extent, is the fault of the law. Yet, colonized on their native shores, the same disregard for the marriage tie is noticed, and regretted by their friends.

Let us now briefly notice the positions of those who deny the inferiority of the negro race. When the fact is stated that, living for centuries in contact with civilization, yet the negro tribes of Africa have never received or exhibited its influences; that they never have produced a single example of organized government; that they have never exhibited the first evidence of a self-evolving civilization, not even in the formation of an alphabet, a hieroglyphic, or a symbol, much less a grammatical language, we are referred to Egypt, the cradle of literature and the sciences, and trium-

<sup>1</sup> Paulding, on Slavery in the United States, 59. Judge Conrad, in his Plea for the South (1836), says, "The free blacks are, in the mass, the most ignorant, voluptuous, idle, vicious, impoverished, and degraded population of this country. . . . They have sunk lower than the Southern slaves, and constitute but a melancholy proof of the advantages of abolition." p. 230.

<sup>2</sup> Of 373 offences, 308 were for larceny of different degrees. See Census of 1845.

<sup>3</sup> See Lawrence's Lectures on Slavery, pp. 325, 326, for proofs as to their debauchery, sensuality, and cruelty.

phantly asked if Africa was not the very fountain whence all the streams of enlightenment flow; and the authority of Herodotus is invoked, to show that the ancient Egyptians were of "a black complexion and woolly-haired." Cuvier, Morton, Gliddon, and others, versed in Egyptian antiquities, have proven so many errors in the account that the "Father of History" has given of the land of the Nile, as to discredit his testimony, and to cause doubts even as to his having ever visited the country.<sup>1</sup> That there were negroes in Egypt, as slaves, at that period, there can be no doubt, but, that the ruling castes of the Egyptians were of the Caucasian race is equally free from difficulty.<sup>2</sup> Was there no other evidence, the ten thousand mummies, that have been exhumed and examined, and the numerous deeds, describing the persons of the contractor, are, every one, witnesses to disprove the assertion of the negro origin of the Egyptians.<sup>3</sup> The lower castes (herdsmen, agriculturists, and artisans), were very numerous, and many of these, doubtless, were negroes. In fact, it was the boast of one of the Pharaohs that no native Egyptian had placed a brick in one of the huge pyramids that he built. Herodotus being ignorant of the language of the Egyptians, and not very accurate in his observations, may have thus mistaken the numerous for the ruling caste. This interesting question opens an inviting field for digression. We must content ourselves with referring the curious to the authorities relied on for our conclusions.

<sup>1</sup> Types of Mankind; Morton's *Crania Egyptiaca*, 22-29; *Industrial Resources of the South*, vol. ii, p. 200, et seq. Dr. Prichard, himself, seems to have little confidence in the accuracy of Herodotus; see *Analysis of Egyptian Mythology* (London, 1838), p. 374; and *Examination, &c., of Egyptian Chronology*, p. 17.

<sup>2</sup> See *Industrial Resources of the South*, vol. ii, p. 200; *Types of Mankind*, passim, and *Negromania*, 108; *Lawrence's Lectures on Slavery*, 229-237; see *Prichard's Analysis of Egyptian Mythology* (London, 1838), p. 374.

<sup>3</sup> Authorities cited above.

The uncertain and as yet unlocated Ethiopia of the ancients, is also referred to as an example of negro civilization.<sup>1</sup> When discovered, and its monuments, and people, and works of art, and records of history, are brought before the world, we will be called on to examine the witness, and determine his competency and credibility. From the examination I have been able to give this question, I am disposed to believe, that with the ancients Ethiopia included all unknown or little known and unexplored countries. It certainly included India and Central Africa.

The ancient kingdom of Meroe has also been referred to sometimes as evidence of a negro self-sustaining and self-evolving civilization. The Zerah of the Bible (2 Chron. 14 : 9), is supposed to have been one of its kings, and its high civilization and great power are almost beyond question. Its situation, at the head of the Nile, in the midst of Ethiopia, is referred to as positive proof of the negro type of its inhabitants. Much learning and research have been exhibited in tracing its history and fathoming its fate.<sup>2</sup> Into this field we are forbidden to go. To conclusions alone we must address ourselves, and since the labors of the Prussian scientific mission, many of the former opinions of scientific men have been proven fallacious. Chev. Lepsius states the fact to be now undoubted, that the Meroites, the people who built the Pyramids, and left other undoubted traces of civilization, were a red people, and of the Caucasian race. He adds, that there is not to be drawn from Meroe, the slightest trace of an Ethiopian civilization properly so

<sup>1</sup> The first book of the Iliad comes as near locating as any other authority, where the mother of Achilles tells him that Jupiter is "not at home," having set off with all the gods "to feast with the excellent Ethiopians."

<sup>2</sup> Cf. Heeren. *Ideen*. vol. i, p. 385, et seq. Oxford trans.; Anthon's *Class. Dict.* "Meroe," and authorities there cited; Morton's *Crania Egyptiaca*.

called.<sup>1</sup> For many years, and during her prosperity, Meroe was an Egyptian dependency. So soon as she became independent, and was "cut off from Egyptian blood and civilization, the influx of negroes deteriorated her people, until, by the fifth century after Christ, she sank amid the billows of surrounding African barbarism, mentally and physically obliterated forever." Were these truths doubtful before, the bas-relief upon her monuments, and the inscriptions upon her pyramids, would dispel these doubts forever.<sup>2</sup>

Few have the hardihood to refer to Hayti, Jamaica, or even Liberia, as successful experiments of negro civilization. Their apologists beg for time, that the baneful influences of former slavery may be removed. Be it so. The reaction may come, but the fate of Meroë checks the hope of the philanthropist.

But passing from communities, when we ask for individual instances of superior intellect developed in the negro, we are referred to Origen, Cyprian, St. Augustine, Tertullian, Clemens Alexandrinus, and Cyril, among the fathers of the Church, to Hanno and Hannibal among the warriors, and to Terence and Phædrus among poets, as examples of strongly marked genius in the negro race. The reference excites a smile, and the answer is already given in the fact, that the people inhabiting the northern portion of Africa, along the coast of the Mediterranean Sea, are as distinct from the negro proper, as the Caucasian origin of the one should make them different from the negro origin of the other. African and negro are not synonymous, a fact which these philanthropists seem to forget.

In a work lately issued under the auspices of British abolitionists, entitled "A Tribute for the Negro,"<sup>3</sup> all

<sup>1</sup> Letter to John Pickering, translated in *Types of Mankind*, pp. 203, 204.

<sup>2</sup> *Types of Mankind*, pp. 259-264.

<sup>3</sup> By Wilson Armistead, 1848 (Manchester and London). This book is but an enlargement of a work published at Paris, by H. Grégoire, Bishop of Blois, in 1808, entitled "*De la Littérature des Nègres*," &c.

the examples of negro intellect, which the research and industry of the author could collect, are brought together, and short memoirs are given of some threescore of the most remarkable. This collection is drawn from the entire negro family for eighteen hundred years, in all portions of the world; and the meagreness of the material could not be better proven, than by the book before us. Were it proper, we would be amused by a review of these lives, many of whose highest and only achievement was "moving in the first circles of society in Great Britain." For excellence in poetry, we have Phillis Wheatley, whose productions Mr. Jefferson pronounced to be "beneath criticism." In composition, is Gustavus Vasa, whose only work was a narrative of himself (by whom written, or revised we know not), which would hardly give credit to a schoolboy in his teens. Among warriors, is Toussaint L'Ouverture, who exhibited perhaps more energy, more treachery, and less principle, than any negro whose memoirs are included in the volume. Of the threescore selected for immortality in this negro Thesaurus, four-fifths were developed under the "baneful influences of slavery;" having been at some time, and generally for the most part of their lives, slaves. Of the remaining one-fifth, very few if any belong to those African tribes that have supplied the Americans with slaves. The inference would seem irresistible, from the testimony of this volume, that the most successful engine for the development of negro intellect is slavery.

But were we without other witnesses to the inferiority of the negro, the instinct of the Caucasian would be of itself demonstration clear. It is called the "prejudice of color," but such a prejudice is never wholly unfounded. Intellect, energy, and moral worth, do not supplicate but demand respect.<sup>2</sup> It is said to arise from their

<sup>1</sup> Page 136.

<sup>2</sup> Paulding, speaking of a prudent free negro at the North, says, "There

state of bondage, yet strange to say, it exists where they were never known in bondage, and is strongest where no slavery exists. We find it in the capital of the British empire, among the courteous French, in the slaveholding States of America, and in those States where slavery has been abolished, but strongest than all, in those States where negro slavery never existed.<sup>1</sup>

This inquiry into the physical, mental, and moral development of the negro race, seems to point them clearly, as peculiarly fitted for a laborious class. Their physical frame is capable of great and long-continued exertion. Their mental capacity renders them incapable of successful self-development, and yet adapts them for the direction of a wiser race. Their moral character renders them happy, peaceful, contented, and cheerful in a status that would break the spirit and destroy the energies of the Caucasian or the native American.<sup>2</sup>

History and experience confirm this conclusion. Probably no better test could be adopted, to determine the adaptation of a system to a race, than their relative increase while living under it.<sup>3</sup> Nature has so constituted the animal creation, that when any portion of it is placed in a position doing violence to the law of their nature, it dwindles and becomes extinct. Thus domestication is destruction to many animals *feræ naturæ*, while it perfects the development of the horse, the cow, and others. So bondage has ever proved annihilation to the American

is every disposition to encourage and foster his efforts. He is looked upon as something remarkable, an exception to his kind, a minor miracle." Slavery in the United States, 67.

<sup>1</sup> De Tocqueville's Democracy in America; Levavasseur, Esclavage de la race noire, 89, et seq.

<sup>2</sup> For proof of their contentment and happiness, see Cassagnac's Voyage aux Antilles, vol. i, pp. 149, 155, 239.

<sup>3</sup> Puynode, a French abolitionist, feeling the importance of this view, strives to show that slavery diminishes the increase of the slave population. De l'Esclavage et des Colonies, p. 35.



Indian, whether under the Spanish Hidalgo,<sup>1</sup> or the New England Puritan, or the Virginia Cavalier. What has been its effect, in this respect, upon the negro? The answer to this question is, the voice of Nature, whether her law is violated in his enslavement.

The census of the United States exhibits a steady and remarkable increase in the slave population. From a few hundred thousand, they now number more than four millions; and, making allowance for emigration and other causes, the ratio of increase is at least equal to that of the white population of the same States.<sup>2</sup> On the contrary, the increase among the free black population of the Northern States, notwithstanding the element of fugitives from the South, and emancipated slaves, shows a ratio of increase very inferior.<sup>3</sup> The Census of 1850 shows, also, the fact, that the duration of life is greater among the slaves of the South, than among the free negroes of the North.<sup>4</sup> The same unerring testimony also shows, that there are three times as many deaf mutes, four times as many blind, more than three times as many idiots, and more than ten times as many insane, in proportion to numbers, among the free colored per-

<sup>1</sup> The Conquerors of the New World, and their Bondsmen, vol. ii, p. 151, gives a striking instance where several thousand Indians and fifty negroes were employed by the Spaniards in transporting the timbers for vessels across the Isthmus. The Indians perished by hundreds—not a single negro died. As early as 1511, the King of Spain directs his Colonial Governor “so to act, that the Indians may increase, and not diminish, as in Hispaniola.” Ibid. vol. i, p. 232.

<sup>2</sup> The whole number imported is estimated at 333,000. In 1850, they were 3,800,000; see Carey’s *Slave-Trade, Domestic and Foreign*, ch. iii; *Census of the United States for 1850*. The same is true as to the increase of slaves in the French West Indies. See Cassagnac’s *Voyage aux Antilles*, vol. i, p. 183; Schœlcher, *Colonies Françaises*, p. 20.

<sup>3</sup> The increase of free colored persons, from 1840 to 1850, was hardly  $1\frac{1}{4}$  per cent. per annum; while that of the slaves was very nearly 3 per cent. per annum. See *Compendium of Seventh Census*, pp. 68, 87.

<sup>4</sup> *Abstract of Seventh Census*, p. 13.

sons, than among the slaves.' The same is true of the free blacks of Liberia. Notwithstanding the constant influx from America, the census of that colony shows no ratio of increase; but, on the contrary, for more than 12,000 emigrants, it contains now a civilized population of not exceeding 8000.

From the same observation, we learn that the mere physical development of the negro is improved by his transport and enslavement. As an animal, in stature, in muscular energy, in activity, and strength, the negro has arrived at his greatest development while in slavery.<sup>2</sup>

In mental and moral development, slavery, so far from retarding, has advanced the negro race.<sup>3</sup> The intelligence of the slaves of the South compares favorably with the negro race in any country, but more especially with their native tribes.<sup>4</sup> While, by means of this institution, the knowledge of God and his religion has been brought home, with practical effect, to a greater number of heathens than by all the combined missionary efforts of the Christian world. But remove the restraining and controlling power of the master, and the negro becomes, at once, the slave of his lust, and the victim of his indolence, relapsing, with wonderful rapidity, into his pristine barbarism. Hayti and Jamaica are living witnesses to this truth;<sup>5</sup> and Liberia would probably add her testi-

<sup>1</sup> Ibid. p. 26. The number of total afflicted is nearly four times greater among the former than the latter.

<sup>2</sup> See notes to preceding section.

<sup>3</sup> See the pertinent remarks of Lawrence, in his *Natural History of Man*, pp. 325, 326. This fact is admitted, in *A Tribute for the Negro*, pp. 151, 152, 153; see also Cassagnac's *Voyage aux Antilles*, vol. i, pp. 240, 246.

<sup>4</sup> Levavasseur, *Esclavage de la race noire*, 77.

<sup>5</sup> See Cassagnac's *Voyage aux Antilles*, vol. ii, 283; Levavasseur, *Esclavage de la race noire*, p. 22, et seq., 43 et seq.; especially the extract from an eye-witness, in Jamaica, M. Mollien, both before and after the Act of Emancipation, pp. 46, 47, and 48; see also *Southern Quarterly Review*, vol. xii, p. 91, an able and dispassionate article by Judge Campbell, of the Supreme Court of the United States.

mony, were it not for the fostering care of philanthropy, and the annual leaven of emancipated slaves.<sup>1</sup>

The history of Africa is too well known to require of us an argument or an extended notice, to show, that left to themselves, the negro races would never arrive at any high degree of civilization. In the words of an intelligent French writer: “Ni les sciences de l’Egypte, ni la puissance commerciale de Carthage, ni la domination des Romains en Afrique, n’ont pu faire pénétrer chez eux la civilisation.”<sup>2</sup> We have neither space nor inclination to prove the fact, well known to naturalists and ethnologists, that the Abyssinians and others, exhibiting some faint efforts at civilization, are not of the true negro race, but are the descendants of the Arabs and other Caucasian tribes.<sup>3</sup>

While this fact may be admitted, we are told that after, by means of slavery and the slave-trade, the germs of civilization are implanted in the negro, if he is then admitted to the enjoyment of liberty, he is capable of arriving at a respectable degree of enlightenment. Charles Hamilton Smith, an Englishman, and an observer, says, “They have never comprehended what they have learned, nor retained a civilization taught them by contact with more refined nations, as soon as that contact had ceased.”<sup>4</sup> The emancipated slaves of the French and English West Indies, have corroborated this statement. Hayti, once “la plus belle colonie” of France, despite the apologies made for her excesses is, to-day, fast retrograding to barbarism. Jamaica, and the other English islands, notwithstanding the care and deliberation to avoid the shock of too sudden liberty, have baffled

<sup>1</sup> Nott & Gliddon’s *Types of Mankind*, 402. See *Prel. Sketch*.

<sup>2</sup> Levavasseur, *Esclavage de la race noire*, 77; see similar views of Paulding, on *Slavery in the United States*, 70.

<sup>3</sup> Chas. H. Smith’s *Nat. History of Human Species*, &c., 196; Levavasseur, *Esclavage de la race noire*, 77.

<sup>4</sup> *Nat. Hist. of Human Species, its Typical Forms*, &c., 196.

the skill and ingenuity of the master minds of the British government. In a preliminary historical sketch, we have examined the facts in detail. The important truth is before us from history, that contact with the Caucasian is the only civilizer of the negro, and slavery the only condition on which that contact can be preserved.<sup>1</sup>

The history of the negro race then confirms the conclusion to which an inquiry into the negro character had brought us: that a state of bondage, so far from doing violence to the law of his nature, develops and perfects it; and that, in that state, he enjoys the greatest amount of happiness, and arrives at the greatest degree of perfection of which his nature is capable. And, consequently, that negro slavery, as it exists in the United States, is not contrary to the law of nature. Whenever the laws regulating their condition and relations enforce or allow a rigor, or withdraw a privilege without a corresponding necessity, so far they violate the natural law, and to the removal of such evils should be directed the efforts of justice and philanthropy. Beyond this, philanthropy becomes fanaticism, and justice withdraws her shield.

That the system places the negro where his natural rights may be abused, is true; yet this is no reason why the system is in itself wrong. In the words of an enlightened contemporary, "It becomes us then to estimate the value of the declamations of those who oppose the institution of slavery in the Antilles and the United States, on account of the partial abuses which sometimes happen. Judicial records are filled with processes for adultery; yet we should not, for that, destroy marriage. Every day our tribunals visit with severity parents who abuse their children, yet we would not for that abolish the paternal power. Every system has its abuses and its

<sup>1</sup> Paulding, on Slavery in the United States, 271, 272. "No two distinctly marked races can dwell together on equal terms." Types of Mankind, by Nott & Gliddon, p. 79.

excesses. It becomes us to correct the excess, punish the abuse, and ameliorate the system. If we should deliberately compare the evils of colonial slavery, with its beneficial effects, in civilization, agriculture, and commerce, we would be quickly convinced upon which side the balances would fall.”

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## SLAVERY VIEWED IN THE LIGHT OF REVELATION.

WE have examined the question of the consistency of negro slavery with the law of nature, outside of revelation. But the law of nature is the will of God, “*summa ratio in Deo existens*.”<sup>2</sup> To be content, in searching for that will, without opening the book of His Revelation, would be unbecoming the Christian philosopher. I feel compelled, therefore, to enter upon the field, so much more fitting to the theologian, and to give a condensed statement of the Biblical argument on either side of this question. The necessity of the investigation does not require the extended and learned research which others have bestowed. I shall not, therefore, stop to require the true rendering of Greek and Hebrew words, but take the English Bible as a correct translation.<sup>3</sup>

In a preliminary historical sketch of slavery we have seen the nature of this institution among the Jews, and many of the rules by which it was governed. Was this evidence of the sanction and approval of God?

The first great revelation of moral precepts was given upon Mount Sinai, and condensed in that most wonder-

<sup>1</sup> Cassagnac's *Voyage aux Antilles*, vol. ii, p. 292.

<sup>2</sup> Halm's *Collegium Polemicum*, Controv. IX.

<sup>3</sup> Of the denial that slavery existed among the Jews, Dr. Wayland says: “I wonder that any one should have had the hardihood to deny so plain a matter of record.”—*Letters to Dr. Fuller*, IV.

ful code, the Decalogue. Its precepts are not only pure, but "the law of the Lord is *perfect*."<sup>1</sup> Its general teachings are not only true, but, by no implication can sin find an apology or excuse therein. This law was not intended for any particular age or people. It is that universal law of God which Christ came "not to destroy, but to fulfil." When he was asked by the young man, What shall I do to inherit eternal life? his reply was, Keep the commandments. The last of these commandments is, "Thou shalt not covet thy neighbor's house, thou shalt not covet thy neighbor's wife, nor his *man-servant*, nor his *maid-servant*, nor his ox, nor his ass, nor anything *that is thy neighbor's*."<sup>2</sup> The right of property in the man-servant and maid-servant is not only here plainly recognized, but is protected even from covetousness.

But again; God sought for a man in whose "seed shall all the nations of the earth be blessed;" who should be called the "friend of God,"<sup>3</sup> and "the father of all them that believe."<sup>4</sup> He found him in Abraham, a large slaveholder.<sup>5</sup> And God blessed him. How? By opening his eyes to the sin of slavery? No; but by "*giving* him flocks and herds, and silver and gold, and *men-servants* and *maid-servants*, and camels and asses."<sup>6</sup> And God made a covenant with him, and established a church with a sign of that covenant for every member of that church. To whom did that covenant extend, and who were admitted into that church? Along with the master Abraham was him that "is bought with thy money," his slave;<sup>7</sup> thereby teaching his chosen servant the great lesson upon this question to be found throughout the sacred Scriptures, that while God recognizes domestic slavery, in some cases, as a necessary part of civil

<sup>1</sup> Psalm 19 : 7.

<sup>3</sup> James 2 : 23.

<sup>5</sup> Gen. 14 : 14.

<sup>7</sup> Gen. 17 : 12, 13.

<sup>2</sup> Ex. 20 : 18.

<sup>4</sup> Rom. 4 : 11.

<sup>6</sup> Gen. 24 : 35.

government, and would regulate it as such, the master and the slave are both *alike* the subjects of his care, and the recipients of his mercy.

God not only *gave* slaves to Abraham, as evidence of his blessing, but he commanded the Jews to make slaves of the heathen round about them : “ Of them shall ye buy bondmen and bondmaids. Moreover, of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land, and they shall be your possession ; and ye shall take them as an inheritance for your children after you to inherit them for a possession. They shall be your bondmen forever.”<sup>1</sup> This command being given very shortly after the escape of the Israelites from Egypt, probably before they owned a slave, was the charter under which they enslaved the Canaanites. At the same time, God commanded them, that “ if thy *brother* by thee be waxen poor and be sold unto thee, thou shalt not compel him to serve as a bond servant, but as a hired servant and a sojourner.”<sup>2</sup> Revelation here sustaining the conclusion to which the natural law points, that inferiority of race is necessary to make slavery consistent with the Divine will. The Jews understood thoroughly this distinction, and when the Saviour announced to them that his truth should make them free, they answered, “ We be Abraham’s seed, and were never in bondage to any man ; how sayest thou ye shall be made free ?”<sup>3</sup>

It is unnecessary to follow the history of the Jews, and note the numerous instances in which they enslaved others, under the direct command of the Almighty ; nor to refer to the various provisions of the Mosaic law, regulating the relation of master and slave. And yet, no-

<sup>1</sup> Lev. 25 : 44, 46.

<sup>2</sup> Ib. 39 : 40. See also Deut. 24 : 7 ; 1 Kings 9 : 22 ; Neh. 5 : 8 ; Joel 3 : 3 ; Jer. 34 : 9, et seq.

<sup>3</sup> John 8 : 32, 33.

where do we find it condemned. When the Jews failed to abide by the regulation, giving liberty to the Hebrew servant on the year of jubilee, Jehovah failed not to pronounce his anathema. "Ye have not hearkened unto me, in proclaiming liberty every one to his brother, and every man to his neighbor; behold, I proclaim a liberty for you, saith the Lord, to the sword, to the pestilence, and to the famine."<sup>1</sup> So, when they oppressed or defrauded the hireling of his wages, the prophets of the Almighty did not wink at the offence: "Thou shalt not oppress an hired servant that is poor and needy."<sup>2</sup> "And I will be a swift witness against those that oppress the hireling in his wages, the widow, and the fatherless, and that turn aside the stranger, and fear not me, saith the Lord of Hosts."<sup>3</sup> It is very strange that labor should be robbed of its wages so long, in the persons of Jewish slaves, and yet the cry of the oppressed never reached the ears of the God of Sabaoth.

It is argued, that the privilege of enslaving the heathen was granted only to the Hebrews, and for peculiar reasons, and hence is no argument in favor of other domestic slavery. The reply is, if slavery is sinful, morally wrong, *per se*, and under all circumstances, God could not in his nature have authorized or enjoined it.<sup>4</sup> If it was not sinful in the Jews, it is not sinful under all circumstances; and the question of its morality in every case, depends upon its circumstances,—precisely the conclusion to which we have previously arrived.

But it is said by others, that the same argument may be used to support polygamy as slavery. That both were practised by the patriarchs, and against neither did Jehovah pronounce his curse. The facts do not show the similarity. No such regulations can be found ema-

<sup>1</sup> Jer. 34 : 17.

<sup>2</sup> Deut. 24 : 14.

<sup>3</sup> Mal. 3 : 5.

<sup>4</sup> "O, mighty God, thou art of purer eyes than to behold evil, and canst not look on iniquity."—Habakkuk 1 : 12, 13.



nating from the Almighty, in reference to polygamy, as we have shown in reference to slavery. To say the least, the law was silent as to the former. Whenever the marriage relation is spoken of, man and wife, "they twain shall be one flesh,"<sup>1</sup> is the teaching of the law. "Live joyfully with the *wife* whom thou lovest, all the days of thy vanity."<sup>2</sup> And "thy *wife* shall be as a fruitful vine by the sides of thine house, thy children like olive plants round about thy table. Behold, that thus shall the man be blessed that feareth the Lord."<sup>3</sup>

But suppose the analogy was complete, and that there is nothing in the Old Testament, either directly or indirectly, showing monogamy to be the will of God, or that polygamy in the Hebrews was disapproved by him. The conclusion is simply, that polygamy in the Jews was not sinful, "for sin is the transgression of the law,"<sup>4</sup> and hence that polygamy is not necessarily a sin, but becomes so so soon as it is the transgression of the law.

But let us enter into the bright light of Christianity, as developed in the New Testament, and examine the question there. That there is no direct positive prohibition of slavery, nor even an intimation by Christ or his Apostles that its principle or practice was violative of the Divine will, is admitted. Various excuses are given for this want of fidelity in the Saviour, in his great duty and mission,—the rebuking of sin. The universality of its existence, the terrible results consequent upon the upheaving of the whole social system, his abstinence from all interference with civil institutions, have each been suggested as explanatory of his silence. Other sins went not unrebuked because of their prevalence. He hesitated not in any other call of duty from motives of expediency, trusting ever to the power of the truth to make its sure way over every human obstacle; and the suggestion that

<sup>1</sup> Gen. 2 : 20, 24; 7 : 9; Ex. 20 : 17; Deut. 5 : 21, 22; Matt. 19 : 4, 5; Eph. 5 : 31.

<sup>2</sup> Eccl. 9 : 9.

<sup>3</sup> Ps. 128 : 3, 4.

<sup>4</sup> 1 John 3 : 4.

it was merely a *civil* institution, is an admission that it was not morally a sin. We must look farther for a satisfactory explanation.

But first, how is slavery treated in the New Testament? It did not escape the notice of the Lord, for we find him illustrating the great truths that he taught, by references to the relation of master and slave. It is true that he used other human conduct, wrong in itself, such as the unjust steward, as the foundation of parables; yet, in every instance, he either at the time or on other occasions condemned the sin. On this sin he was silent. When the rich young man came to ask a blessing from him, though his heart yearned towards his loveliness, he saw the sinful love of wealth, and rebuked it. But when the Roman centurion came to ask his blessing upon a sick slave, one whom he commanded to do, and he was forced to obey, though he commended his humility and his faith, did not the Saviour perceive the great sin of slaveholding adhering to his skirts? Why did he not rebuke this sin, as he had rebuked the young man's love of gold?

But Christ went farther: he recognized distinctly and approved the master's superiority: "But which of you having a servant ploughing, or feeding cattle, will say unto him, by and by, when he is come from the field, Go and sit down to meat, and will not rather say unto him, Make ready wherewith I may sup, and gird thyself and serve me, till I have eaten and drunken, and afterward thou shalt eat and drink? Doth he thank that servant because he did the things that were commanded him? I trow not."<sup>1</sup> "For whether is greater, he that sitteth at meat, or he that serveth? Is not he that sitteth at meat?"<sup>2</sup> "Verily, verily, I say unto you, the servant is not greater than his lord."<sup>3</sup>

The apostles went farther, and laid down in express

<sup>1</sup> Luke 17 : 7, 8, 9.

<sup>2</sup> Luke 22 : 17.

<sup>3</sup> John 13 : 16.

terms, rules regulating the relation of master and slaves. "Servants, be obedient to them that are your masters, according to the flesh, with fear and trembling, in singleness of your heart, as unto Christ. Not with eye-service, as men-pleasers, but as the servants of Christ, doing the will of God from the heart. . . . Knowing that whatsoever good thing any man doeth, the same shall he receive of the Lord, whether he be bond or free. And ye masters, do the same things unto them, forbearing threatening; knowing that your Master also is in heaven. Neither is there respect of persons with him." "Let as many servants as are under the yoke count their own masters worthy of all honor, that the name of God and his doctrine be not blasphemed. And they that have believing masters, let them not despise them, because they are brethren; but rather do them service because they are faithful and beloved partakers of the benefit. These things teach and exhort. If any man teach otherwise, and consent not to wholesome words, even the words of our Lord Jesus Christ, and to the doctrine which is according to godliness, he is proud, knowing nothing, but doting about questions and strifes of words."<sup>2</sup> "Exhort servants to be obedient unto their own masters, and to please them well in all things, not answering again, not purloining, but showing all good fidelity, that they may adorn the doctrine of God our Saviour in all things."<sup>3</sup> "Servants, be subject to your masters with all fear; not only to the good and gentle, but also to the froward."<sup>4</sup> "Let every man abide in the same calling wherein he was called. Art thou called, being a servant, care not for it, but if thou mayest be made free, use it rather; for he that is called in the Lord, being a servant, is the Lord's freeman; likewise, also, he that is called, being free, is Christ's servant."<sup>5</sup>

<sup>1</sup> Eph. 6 : 5, 6, 8, 9. See also Col. 3 : 22, 23, 24.

<sup>2</sup> 1 Tim. 6 : 1, 2, 3, 4.

<sup>3</sup> Tit. 2 : 9, 10.

<sup>4</sup> 1 Pet. 2 : 18.

<sup>5</sup> 1 Cor. 7 : 20, 21, 22.

From these passages, it cannot be inferred that Christ and his apostles recommended slavery, such as they saw it; or that these precepts exhorted the establishment of the institution where it does not exist, or the continuance of it in all cases. They simply treated slavery as they did all other civil government, as of God, so long as in his providence he permitted it to exist; and regulated, by precepts, the relation, as they did that of ruler and subject. The only legitimate inference to be drawn is, that the relation is not necessarily and *per se* sinful. That it may or may not be, according to the circumstances of each particular case, thus harmonizing with the conclusion to which we were brought by an inquiry into the unrevealed law of nature.

But it is said, that while the Saviour did not expressly prohibit the institution, he announced principles with which it is utterly inconsistent, and the legitimate fruits of which must be its extinction. These principles are, "Thou shalt love thy neighbor as thyself. And whatsoever ye would that men should do unto you, do ye even so unto them." The argument is legitimate, if the conclusion is correctly drawn. Let us examine it. The analysis of the rule is, we should act towards others, not as they act towards us, not as the laws of the land allow us to act, but as we would have them to act towards us, were our respective situations reversed. How would we have them to act towards us in all cases? According to our whims or childish desires? If so, we must give free scope to the crude wishes of our children; we must release the condemned convict, for thus it is that we would have them to act toward us were our situations reversed. Such is not the rule. We would have them to act toward us, in all cases, in that manner which would tend most to promote our real good and happiness, even though we could not ourselves see it. Hence we should control the child, though its wishes be adverse, for its ultimate good. We should punish the criminal however

he may regard it, for his interest as a citizen requires the execution of the laws. We should deal in the same way with the slaves. We should act towards them, in all cases, in that manner which tends most to promote their real good and happiness; in that manner which will most surely elevate them, physically, intellectually, and morally; for so, according to the golden rule, would we have them to act toward us. If the condition of bondage does actually promote their real good and happiness, then this precept sanctions and enjoins it. If, on the contrary, it diminishes their real good, and does not promote their true happiness, it runs counter to this great precept, and should cease to exist. The test then is, does the institution of negro slavery tend to promote the physical, intellectual, and moral growth of the negro race? The very test to which we arrived by our investigation of the unrevealed natural law.

It is said, that were the great principles of Christianity perfectly implanted in every heart, so as to control every action, the institution of slavery would end. So far as that institution involves the idea of the control of the inferior by the will of the superior, this is true. And so would it be true of *all* government. Revelation teaches us, that God gave different gifts to different men. To one five talents, to another two, to another one. To one the gift of tongues. To another, government. It teaches us to repress every feeling of envy, strife, ambition; and whatever may be our situation in life suited to our capacity therewith to be content. If every man in the community thoroughly appreciated his own gifts, and was therewith content, then each would, unbidden, assume that position in the scale of life to which his talent fitted him. The rulers would be pointed out of God; the subjects would rejoice to obey. The master would recognize a brother in his servant; while the servant would take pleasure in the service of his lord. Nothing would be of constraint. Everything

would be of free-will. Such is the Apostle's idea of the perfect law of liberty in Christ.<sup>1</sup> To be such is to be Christ's freemen. "Where the spirit of the Lord is, there is liberty."<sup>2</sup> Such a man needs no restraint, whatever may be his situation. If "called, being a servant, he cares not for it." "For, brethren, ye have been called unto liberty; only use not liberty for an occasion to the flesh, but by love serve one another."<sup>3</sup> Such would be the glorious fruits of the complete triumph of the Gospel of Christ. In the present dispensation, it would seem that we need hardly expect it. For when the prophetic vision of St. John saw the "heaven departed as a scroll when it is rolled together," there were "bondmen" as well as "freemen," who "hid themselves in the dens and in the rocks of the mountains."<sup>4</sup>

From this investigation into the law of nature, the will of God, our conclusion is, that until the nature of the African negro becomes by some means radically changed, there is nothing in his enslavement contrary to the law of his nature. In this, we speak of the limited or qualified slavery, such as exists at present in the United States, and not of absolute or pure slavery, as defined by us. For the latter includes the power over life, the *jus vitæ et necis*; and as it cannot be said that the physical, intellectual, or moral nature of the slave, can be improved, or his happiness promoted, by the existence or exercise of such a power as this, so we find in the law of nature no justification of or foundation for this power.<sup>5</sup>

<sup>1</sup> James 1 : 25. See Psalm 119 : 45.    <sup>2</sup> 2 Cor. 3:17; John 8 : 32.

<sup>3</sup> Gal. 5 : 13. See also 1 Pet. 2 : 16.

<sup>4</sup> Rev. 6 : 14, 15. In replying to the argument to show slavery a sin from the Bible, I have not referred to the authors by express reference. The reader will perceive, that I have examined the objections made by Sharp, Barnes, Channing, and Wayland, and repeated in various forms by smaller imitators.

<sup>5</sup> This is the conclusion to which Grotius arrives. *De Jure Belli et Pacis*, Lib. II, c. v.

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